



**VILLAGE OF BISCAYNE PARK**  
**640 NE 114TH STREET**  
**BISCAYNE PARK, FL 33161**  
**TEL: 305 899 8000 FAX: 305 891 7241**  
**www.biscayneparkfl.gov**

**AGENDA**  
**REGULAR COMMISSION MEETING**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Tuesday, October 4, 2011 at 7:00PM**

**Mayor and Commission**

**Roxanna Ross**  
**Mayor**

**Robert "Bob" Anderson**  
**Vice Mayor**

**Steve Bernard**  
**Commissioner**

**Albert Childress**  
**Commissioner**

**Bryan Cooper**  
**Commissioner**

**Ana Garcia**  
**Village Manager**

**John J. Hearn**  
**Village Attorney**

**Maria Camara**  
**Village Clerk**



Indicates documents are attached to this agenda.

**1 Call to Order**

**2 Roll Call**

**3 Pledge of Allegiance**

**4 Presentations**



- 4.a Proclamation - October 2011 is **National Breast Cancer Awareness Month**



- 4.b Proclamation - October 2011 is **X the Text Month**

- 4.c Nestor Caballero, Alberni, Caballero & Castellanos, LLP - presentation of the 2009-10 Comprehensive Annual Financial Report.

- 4.d Biscayne Park's Citizens' Crime Watch - Manager Ana M. Garcia

**5 Additions, Deletions or Withdrawals to Agenda**

**6 Public Comments Related to Agenda Items / Good & Welfare**

**7 Village Manager Report**



- 7.a Griffing Blvd - Tree replacement/selection.

- 7.b City of North Miami Water Services: Status/update

Scheduling of the Special Commission meeting - Village Manager  
7.c contract. Tentatively scheduled for Tuesday, October 18, 2011 at 6:30PM.

7.d IT Infrastructure Upgrade: Status/update

## 8 Consent Agenda



### 8.a Approval of Minutes

- > September 13, 2011 1st Public Hearing FY 2011-12 Budget
- > September 13, 2011 Regular Commission Meeting
- > September 20, 2011 2nd Public Hearing FY 2011-12 Budget



### 8.b Resolution 2011-44

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **DECLARING VILLAGE VEHICLES AS SURPLUS PROPERTY AND GRANTING THE VILLAGE MANAGER AUTHORIZATION TO SELL SAID SURPLUS THROUGH GOV DEALS**; PROVIDING FOR AN EFFECTIVE DATE. *(Moved from the September 20, 2011 meeting.)*



### 8.c Resolution 2011-45

A RESOLUTION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING THE PUBLIC SERVICE COMMISSION TO **DENY APPROVAL OF ANY FURTHER "EARLY COST RECOVERY"** AND URGING THE FLORIDA LEGISLATURE TO REPEAL THE "EARLY COST RECOVERY" STATUTE RELATING TO ELECTRIC UTILITY CHARGES FOR THE SITING, DESIGN, LICENSING, AND CONSTRUCTION OF NUCLEAR PLANTS; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice Mayor Anderson)*



### 8.d Resolution 2011-46

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK RATIFYING THE **APPOINTMENT OF KELLI ROMANO TO THE RECREATION ADVISORY BOARD**; PROVIDING FOR AN EFFECTIVE DATE *(Sponsored by Commissioner Childress)*



### 8.e Resolution 2011-47

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING THE **EXPENDITURE OF POLICE FORFEITURE FUNDS OF NOT MORE THAN \$900** FOR THE PURCHASE OF POLICE VEHICLE ACCESSORIES; PROVIDING FOR AN EFFECTIVE DATE



**8.f Resolution 2011-48**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA RELATING TO CONTRACTS; **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR PROFESSIONAL SUPPORT SERVICES TO PAUCAR, ZAMORA & HERNANDEZ, PLLC**; PROVIDING FOR AN EFFECTIVE DATE.

**9 Public Hearings**

< None >

**10 Ordinances - FIRST READING**

< None >

**Ordinances - SECOND READING**

< None >

**11 Resolutions**

< None >

**12 Old Business**

< None >

**13 New Business**



- 13.a Commissioner Bernard: A discussion of the investigation into allegations regarding the Village Manager. *(Moved from the September 20, 2011 meeting.)*



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Manager Garcia's rebuttal to the allegations are included with this agenda item.

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- 13.b Commissioner Cooper: "Future condensed short bullet list of agenda items to be sent on day 7, prior to Commission meeting, by Clerk to Commission". *(Moved from the September 20, 2011 meeting.)*



- 13.c Commissioner Cooper: Police style badges given to Commissioners *(Moved from the September 20, 2011 meeting.)*



- 13.d Selection of board members:  
> Commissioner Cooper: Recreation Advisory Board  
*(Moved from the September 20, 2011 meeting. Notification of vacancy provided on 08/18/11 and selection by Commissioner Cooper is due 11/6/11.)*

**14 Final Public Comment**

**15 Reports**

15.a Committee Reports

- i > Parks & Parkway Advisory Board
- ii > Code Review Board
- iii > Recreation Advisory Board
- iv > Ecology Board

15.b Village Attorney

15.c Commissioner Comments

- > Vice Mayor Bob Anderson
- > Commissioner Steve Bernard
- > Commissioner Al Childress
- > Commissioner Bryan Cooper
- > Mayor Roxanna Ross

**16 Announcements**

All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Wednesday, October 5th - Code Review Board at 7:00pm.

Monday, October 10th - All Village Departments are closed in Observance of Columbus Day.

Tuesday, October 11th - Code Enforcement Board at 7:00pm.

Wednesday, October 12th - Recreation Advisory Board at 6:30pm.

Monday, October 17th - Planning & Zoning at 6:30pm.

Wednesday, October 19th - Parks & Parkway Advisory Board at 6:00pm.

Wednesday, October 19th - Code Review Board at 7:00pm.

Thursday, October 20th - Ecology Board at 6:30pm.

Monday, October 31st - Halloween Fun Night starting at 6:00pm.

Our next regular Commission meeting is Tuesday, November 1, 2011 at 7:00pm.

Please visit our website regularly at **biscayneparkfl.gov** and click on the Calendar of Meetings & Events to view the full schedule.

**17 Adjournment**



In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accomodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

**DECORUM** - Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

# *Proclamation*

## **Village of Biscayne Park**

### **October 2011– National Breast Cancer Awareness Month**

**Whereas**, National Breast Cancer Awareness Month was founded in 1985 to promote mammography as a weapon in the fight against breast cancer; in 1991 the Susan G. Komen Foundation first utilized the Pink Ribbon as a symbol for the cause in its New York City race for breast cancer survivors; and in 1993 Evelyn Lauder of Estee Lauder Companies founded The Breast Cancer Research Foundation and also using the Pink Ribbon as its symbol.

**Whereas**, despite considerable progress made in screening, early detection and better treatments, and although mortality rates are steadily decreasing, breast cancer is still the second leading cause of cancer deaths among women in our country.

**Whereas**, knowing the risk factors for breast cancer, including family and personal history, obesity, genetic changes and prior exposure to radiation, as well as exercising regularly, maintaining a healthy balanced diet and body weight, and regular diagnostic screening, may lower or mitigate the development of breast cancer.

**Whereas**, the Village of Biscayne Park holds the health and safety of its citizens as a permanent concern, during National Breast Cancer Awareness Month, we stand with our mothers, daughters, sisters, and friends, and we recognize all who have joined their loved ones in fighting their battle, as well as the advocates, researchers, and health care providers whose care and hard work gives hope to those living with breast cancer. By educating ourselves and supporting innovative research, we will improve the quality of life for all Americans affected by breast cancer and, one day, defeat this terrible disease.

**Now, Therefore**, I, Roxanna “Rox” Ross, Mayor of the Village of Biscayne Park, Florida, joined by the entire Commission, do hereby join the nation in proclaiming October 2011 as National Breast Cancer Awareness Month. We encourage all citizens to join in activities that will increase awareness of what Americans can do to prevent and control breast cancer.



Dated this 4<sup>th</sup> Day of October, 2011

Village of Biscayne Park, Florida

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Roxanna Ross, Mayor

# *Proclamation*

## Village of Biscayne Park

### October 2011– X THE TEXT MONTH

**Whereas**, the Village of Biscayne Park holds the health and safety of its citizens as a permanent concern, and

**Whereas**, wireless phone use has become ubiquitous throughout our community, the State of Florida, and the national as a whole; and,

**Whereas**, the use of text messaging has grown exponentially, and any time a driver attempt to send an electronic text message while driving, his or her attention is diverted from the road; and

**Whereas**, a driver that attempts to send electronic text message while driving is not just a hazard to themselves, but to passengers, other drivers and pedestrians as well; and,

**Whereas**, a recent Pew Internet & American Life Project study found that 26% of American teens of driving age say that they have texted while driving, and 48% of all teens 12 to 17 say that they have been a passenger while a driver has sent a text message; and,

**Whereas**, a recent Nationwide Insurance study showed that 80% of respondents support some type of ban n sending text messages or emails while driving; and

**Whereas**, there are currently no laws in Florida that prohibit texting while driving.

**Now, Therefore**, I, Roxanna “Rox” Ross, Mayor of the Village of Biscayne Park, Florida, joined by the entire Commission, do hereby proclaim the month of October as **X THE TEXT MONTH**, and urge all residents to join us in promoting safe driving and to educate the general public about the dangers of texting while driving.



Dated this 4<sup>th</sup> Day of October, 2011

Village of Biscayne Park, Florida

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Roxanna Ross, Mayor





# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000  
Fax: 305 891 7241

## Board Members

Tracy Truppman  
Chair

Art Pyle  
Vice Chair

Karen Cohen  
Matt Davis  
Tom Pliske

## Alternate

Linda Carrington

**Draft  
Not Approved  
By Board**

## MINUTES Ecology Board Thursday, September 22, 2011

In attendance were: Art Pyle, vice chair; Tom Pliske, and Karen Cohen. Tracy Truppman and Matt Davis were absent. Art led the meeting.

Karen made a motion that we rotate taking the minutes. The motion was passed and Karen said she would take the minutes of the Sept. 22 meeting.

No additions or deletions were made to the agenda.

Art said there was some support for meeting only every other month. Tom said he didn't mind, but the commission may have other ideas. Art suggested a walk-around for alternative-month meetings. Karen said she was concerned with continuity, and we are still figuring out what to say to the commission about the recycling issue.

Tom said we need to check with Matt on that as he is obtaining more information, or may have obtained more information.

The board set up the next meeting for the third Thursday in October, (Oct. 20), with some discussion on trying to keep the meetings on that formula (third Thursdays).

The board then opened the discussion about replacement of Australian pine trees along Griffing Boulevard.

Tom asked if the stumps were going to be removed. Barbara Kuhl, who was in the audience and who is a member of the Parks and Parkways board said that the stumps will be ground, but not extracted.

She also filled us in on their recent meeting, which was attended by a number of Griffing residents. They came up with a plan that would rely heavily on native live oaks and royal poinciana, strongly backed by the residents.

Tom said we have a lot of different choices when it comes to native species. He also said it might be worthwhile to also look at groupings of native smaller trees and large bushes as complements to the big trees. The board

discussed the relative merits of having more oaks, as well as looking at other options, as there is some feeling that the village already has a sufficiency of oaks, and the desirability of increasing plant diversity. On the big trees, Tom gave a list of natives which included:

- Pigeon Plum, noting they have been used by North Miami. It has fruit that draws wildlife. Barbara Kuhl mentioned there was a concern about fruit trees attracting wildlife that would become road kill.
- Wild Tamarin (Art pointed out they do have pods).
- Mastic, which are large, hammock trees.
- Cypress, especially bald cypress
- Red Bay, related to the bay tree.
- Gumbo limbo was discussed along with the information that they are susceptible to white fly.
- Paradise Tree (rapidly growing)
- Native mahogany

Barbara Kuhl pointed out that mastic can be brittle, and cypress may need more water.

Barbara Kiers, who was also in the audience, mentioned painted eucalyptus as an ornamental tree that, while not native, is also not invasive, and is unique, arresting and beautiful.

Dale Blanton, who lives on Griffing and was also in the audience, said he liked the uniformity of the Australian pines and would hope that any replacement scheme would retain that aesthetic.

The board along with the audience discussed the possibility of hiring an outside arborist to evaluate the health of the Australian pines not slated for removal.

Tom noted that residents should be aware of what various approaches bring, for example, going with natives may give up some aesthetic symmetry. However, residents should also be aware of the advantages of biodiversity and how encouraging native vegetation contributes to a healthy ecosystem, provides food for migratory birds, and homes for insects that birds and other wildlife depend on.

The board, with all due respect to other committees, felt that as an ecology board, it would make recommendations based not on aesthetics, but through the lens of what is ecologically sound, in harmony with its mandate, and without rejecting other approaches or combined solutions (Note: Art has a written version of this statement that I do not yet have. But I will include it when I get it. Also, Tom is to forward to us his list of both large trees and smaller for the ideas of smaller groupings, some with flowers that might make a bold statement).

The board agreed to include in the meeting minutes Tom's complete list, which he will have to us as soon as possible.

The board adjourned at 7:40 p.m.

UPDATE: Sept. 28

The list and comments from Tom, received Sept. 27

RECOMMENDATION LIST FOR TREES TO REPLACE AUSTRALIAN PINES TO BE REMOVED FROM  
GRIFFING BLVD.

On Thursday evening, Sept. 22, 2011, the Ecology Board discussed recommendations for replacing the large Australian pines to be removed from the western leg of Griffing Blvd. The following are my recommendations for using native trees as the replacements.

From my perspective as an ecologist, native trees are the best choice because native plants are the fundamental support base for habitat and food of our native wildlife, especially birds and insects. Exotic species, regardless of their aesthetic value do not provide much wildlife support. I have specifically excluded live oaks (*Quercus virginensis*) because we have a great surplus of these in the Village. All the following trees are listed in the **Miami-Dade County Street Tree Master Plan, 2007**

**Group A: Large trees to replace individual A. pines**

1. Mastic (*Masticodendron foetidissima*)
2. Pigeon plum (*Coccoloba diversifolia*)
3. Wild Tamarind (*Lysiloma latisiliqua*)
4. Paradise Tree
5. Shortleaf fig (*Ficus citrifolia*)
6. West Indian cherry (*Prunus myrtifolia*)
7. Red Bay (*Persea borbonia*)
8. Green buttonwood (*Conocarpa Americana*)

**Group B: Medium-sized trees which could be planted in 2-3's  
Or mixed in a small stand**

1. Blolly (*Guapira discolor*)
2. Lancewood (*Nectandra coriacea*)
3. Willow bustic (*Dipholis salicifolium*)

**Group C: smaller trees that could be planted in mixed groups**

1. Black Ironwood (*Krugiodendron ferreum*)
2. Bitterbush (*Picramnia pentandra*)
3. Dahoon holly (*Ilex cassine*)
4. Florida privet (*Forestiera segregata*)
5. Geiger tree (*Cordia sebastena*)
6. Lignum vitae (*Guaiaecum sanctum*)
7. Stoppers (several *Eugenia* species)
8. Torchwood
9. Satinleaf (*Chrysophyllum oliviforme*)
10. Wax myrtle
11. Saffron plum
12. Strongbark

**Non-Natives, attractive and non-invasive**

1. dwarf ylang-ylang (*Cananga fruticosa*) medium-small
2. Jacaranda (*Jacaranda mimosifolia*) large
3. Allspice (*Pimenta dioica*) medium



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000

Fax: 305 891 7241

## Board Members

Dan Keys  
Chair

Barbara Kuhl  
Dan Samaria  
Randy Wagoner  
John Zoeller

## Alternate

Lynn Fischer

**Draft  
Not Approved  
By Board**

## **PARKS AND PARKWAYS ADVISORY BOARD DRAFT MINUTES**

**September 21, 2011 6 PM  
Ed Burke Recreation Center  
11400 NE 9<sup>th</sup> Court**

### **CALL TO ORDER AND ROLL CALL**

Present: Dan Keys, Barbara Kuhl, Dan Samaria, Randy Wagoner, John Zoeller,  
Lynn Fischer

**AGENDA ADDITIONS AND DELETIONS** – most items were deferred due to New  
Business

**PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM)**

**APPROVAL OF MINUTES** – July 20, 2011 and August 17, 2011 – approved

**OLD BUSINESS**

### **Village staff status report**

General median maintenance – deferred  
Tree removal and tree trimming issues – deferred  
Athletic field maintenance – deferred  
Village sign – coconut palm disposition – deferred  
Preventing cars cutting across medians – deferred

### **Discussion – next steps in planning process for median landscaping**

Medium sized trees - deferred  
Moving trees in conflict with newly planted trees – deferred

Entrance projects - deferred  
Mini Park Development – Canal Parks and Griffing Park – deferred  
**Implementation of landscaping plans for Recreation Center** – completion of project. Funding is available to complete this project. Dan Keys will prepare a list of plants and provide names of nurseries.  
**Swale area planting and development guidelines** – deferred  
**Driving across medians** -deferred  
**Butterfly Park lighting** - The chain in front is unsightly and the park is no longer inviting. It is assumed that the chain is temporary. Another method needs to be devised which invites residents but inhibits parking.  
**Process for moving motions to the Commission for action** - deferred  
**Maintenance practices – weed eater misuse** - deferred

## NEW BUSINESS

### **Recommendation regarding proposal to remove Australian Pines from Griffing Boulevard and the replacement trees if approved**

The County intends to remove selected Australian Pines because they are unhealthy and present a liability concern. Our Board has been asked its opinion on replacement trees. The County will provide large (approximately 24') replacement trees of our choice. They stated that they would plant the replacement trees right away.

Comments, suggestions, concerns from residents:

Griffing is an historical, unique street. Remove the dead wood and save the trees. Cut off the tops, keeping the trunks. Hire an artist to create a sculpture out of the trunks.

There is too much of a rush to take down the trees. Maybe a few trees need to be removed but most should stay.

The Australian Pines allowed the breeze to pass; Live Oaks will block it.

The Australian Pines are old. They are past their life expectancy. All should be removed and replaced with Live Oaks.

An independent arborist should be consulted.

The previous Oak trees that were planted are not healthy. (These will also be replaced)

Live Oaks are too slow growing. Residents are allergic to their pollen.

The County has not maintained the Australian Pines. It was questioned how well the replacement trees will be managed.

The removal of the Pines will effect property values.

Power lines will be a factor in placing the new trees.

The Australian Pines are a refuge for birds. (Brian Fox of The Pelican Refuge states they do not provide habitat or food for the birds and says this is a good time for their removal since it is after nesting season)

Our own maintenance crew fails to remove vines and unwanted vegetation from our medians.

Live Oaks trees will damage the roads.

There was a general consensus of the residents who remained that the replacement trees should be large trees. Live Oak trees with Royal Poincianas at focal points was generally agreed upon. It is important to keep Griffing a special street.



Comments, suggestions, opinions from Advisory Board:

The Australian Pines are dying from the top as well as from the roots. There is an excessive amount of dead wood. It is a sign that the interior is dying.

Topping the Pines is not an option; when trees are topped the new limbs are not as strong. The County has the funding now to take the designated trees out and provide large replacement trees. The funding may not be available in the future.

Live Oak trees are the best choice because of their full canopy, strength, and longevity. They are native and attract birds and are beneficial to our Village wildlife. There are a few existing Oak trees on Griffing.

Biscayne Park is rich in biodiversity. Our large yards offer an assortment of planting. Our public right of ways do not need to offer biodiversity. The special streets in Miami-Dade County are streets with one species. Uniformity gives more of an impact. The uniformity of the Australian Pines has made Griffing a special roadway.

There are few large canopied trees that are suitable for medians. There are Black Olives, Mahoganies, Royal Poincianas, Live Oaks. Gumbo Limbos are currently struggling with diseases. Jacarandas need to be where there are cooler nights for optimal blooming. Lysilomas may not live as long.

The Board's opinion is that the planting of Live Oaks with Royal Poincianas at key focal locations will preserve the unique beauty that Griffing is recognized for.

A motion was made by Barbara Kuhl and seconded by Dan Samaria: **Our recommendation for replacement planting is a combination of Live Oaks and Royal Poincianas. Live Oaks would comprise the primary planting, punctuated by Royal Poincianas located in specified focal points. Our Board will meet on Griffing and recommend the desired locations for the replacement trees. The County will provide the largest possible specimens.** The motion passed 4 – 1 with John Zoeller opposed.

NEXT MEETING DATE – Tentatively – October 19, 2011

ADJOURNMENT – 8:00 PM

TWO OR MORE MEMBERS OF THE VILLAGE OF BISCAYNE PARK  
COMMISSION AND OTHER CITY BOARDS MAY BE IN ATTENDANCE AT THIS  
MEETING



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Steve Bernard  
Commissioner

Albert Childress  
Commissioner

Bryan Cooper  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

**MINUTES**

**1st Public Hearing Fiscal Year 2011-12 Budget  
Ed Burke Recreation Center - 11400 NE 9th Court  
Biscayne Park, FL 33161  
Tuesday, September 13, 2011 at 6:30PM**

**1 Call to Order**

**2 Roll Call**

Mayor Roxanna Ross called the meeting to order at 6:43PM. In addition to Mayor Ross, present were:

Vice Mayor Bob Anderson  
Commissioner Steve Bernard  
Commissioner Al Childress  
Commissioner Bryan Cooper.

Present from staff were:

Village Manager Ana Garcia  
Village Clerk Maria Camara  
Village Attorney John Hearn  
Finance Director Charles Smith  
Police Chief Mitchell Glansberg  
Finance Clerk Wendy Hernandez  
Parks & Recreation Director Issa Thornell  
Public Works Director Bernard Pratt  
Building Clerk Jeanie Bridges  
Code Enforcement Officer Hillary Skumanich  
Public Works Administrative Assistant Cesar Hernandez

**3 Pledge of Allegiance and Moment of Silence**

**4 Presentation of the Fiscal Year 2011-12 Proposed Budget**

Manager Garcia provided an opening statement and presentation of the highlights of the budget and accomplishments for the year.

**5 Public Hearing - Ordinances for First Reading**

5.a **Ordinance No. 2011-04**

AN ORDINANCE OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING THE 2011-2012 MILLAGE RATE AT 8.90 MILS** FOR EACH \$1,000 OF ASSESSED VALUATION UPON REAL AND PERSONAL PROPERTY WITHIN THE VILLAGE LIMITS OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

Mayor Ross opened the meeting for public comment and there were none.

Commissioner Bernard makes a motion to set the millage at 8.99 to make sure that we don't lose out on dollars that we will discuss further tonight. There was no second on that motion.

Vice Mayor Anderson makes a motion to set the millage at 8.90. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson, Commissioner Childress and Commissioner Cooper.

Opposed: Commissioner Bernard

Motion carries 4/1

5.b **Ordinance No. 2011-05**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ADOPTING A BUDGET FOR FISCAL YEAR 2011-2012** FOR THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Mayor Ross opened the meeting for public comment and there were none.

Vice Mayor Anderson makes a motion to approve. It was seconded by Commissioner Childress.

Mayor Ross asks for a subsidiary motion that the vote be taken on this ordinance by 7:25PM. The motion is made by Commissioner Childress and it was seconded by Vice Mayor Anderson.

Mayor Ross asks for a vote on this motion without any further discussion.

Commissioner Cooper makes a motion to appeal the decision of the Mayor to not allow discussion. It was seconded by Commissioner Bernard.

The motion to appeal was called to a vote:

All in favor: Commissioner Cooper and Commissioner Bernard

Opposed: Mayor Ross, Vice Mayor Anderson and Commissioner Childress.

Motion fails 2/3

The subsidiary motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson and Commissioner Childress.

Opposed: Commissioner Cooper and Commissioner Bernard

Motion carries 3/2

The original motion to approve Ordinance 2011-05 was called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson and Commissioner Childress.

Opposed: Commissioner Cooper and Commissioner Bernard

Motion carries 3/2

Mayor Ross opened the meeting for final public comment:

Fred Jonas - Time Commission has had for review of the budget

Vice Mayor Anderson makes a motion to adjourn the 1st Public Hearing.

The meeting was adjourned at 7:30PM

Commission approved on \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Roxanna Ross, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk



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**MINUTES**

**REGULAR COMMISSION MEETING**

**Ed Burke Recreation Center - 11400 NE 9th Court  
Biscayne Park, FL 33161  
Tuesday, September 13, 2011 at 7:30PM**

**1 Call to Order**

**2 Roll Call**

Mayor Roxanna Ross called the meeting to order at 7:42PM. In addition to Mayor Ross, present were:

Vice Mayor Bob Anderson  
Commissioner Steve Bernard  
Commissioner Al Childress  
Commissioner Bryan Cooper

Present from staff were:

Village Manager Ana Garcia  
Village Clerk Maria Camara  
Village Attorney John Hearn  
Finance Director Charles Smith  
Police Chief Mitchell Glansberg  
Finance Clerk Wendy Hernandez  
Parks & Recreation Director Issa Thornell  
Public Works Director Bernard Pratt  
Public Works Administrative Assistant Cesar Hernandez

**3 Pledge of Allegiance and Moment of Silence**

**4 Presentations**

Proclamation and moment of silence in remembrance of September 11th, 2011,  
4.a followed by a presentation from Parks & Recreation Director Issa Thornell and Manager Garcia.

4.b Mayor Juan Carlos Bermudez, President of the Miami Dade County League of Cities provided a presentation.

**5 Additions, Deletions or Withdrawals to the Agenda**

Manager Garcia requests that item 7e is added under Village Manager report to provide an update on North Miami Water Utility capital improvement fee.

Commissioner Bernard requests that Manager Garcia provide an update on the FPL Hardening project as item 7f under the Village Manager report.

Commissioner Cooper gives Commissioner Bernard the option to move item 13.c under New Business as the first item hear in that section. Commissioner Bernard accepts that option and it is moved to item 13.a.

## **6 Public Comments Related to Agenda Items / Good Welfare**

John Pandesco - Permitting fees for home alarm systems

Lauren Caban - North Miami Water Utility capital improvement fee; condition of water pipes.

Noah Jacobs - FPL hardening project and placement of concrete utility pole.

Larry Lebowitz - North Miami Water Utility capital improvement fee.

Dr. Jeanne Bergeron - Hazardous tree on the swale of her property.

John Mayhew - Proposed Charter School at the Church of the Resurrection

Gaspar Gonzalez - Abandoned homes and overgrown lots; outdated code enforcement procedures.

Carmen DiBernardi - North Miami Water Utility capital improvement fee.

Rosalyn Coetzee - North Miami Water Utility capital improvement fee.

Barbara Watts - North Miami Water Utility capital improvement fee.

Joshua Cajas - Biscayne Park Summer Camp

---

Mayor Ross will move item 10a to be heard after the Village Manager report.

Mayor Ross asks for a five minute recess at 8:58PM.

Meeting resumes at 9:04PM.

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## **7 Village Manager Report**

- 7.a Manager Garcia provided a recap of the Kimley Horne circulator study and accepts their recommendation that the Village not initiate its own circulator service.

- 7.b Manager Garcia provided an update of the Kimley Horne median extension project on 121st street and that the next step would be to do a temporary closure. The residents along that area would be notified of that closing.

7.c Manager Garcia discussed what our Code of Ordinances states in regards to the maintenance of the swales. Attorney Hearn explained it more in detail and specifically how it relates to the tree located on the swale of the Bergeron property at 625 NE 114th Street.

Commissioner Childress makes a motion that since this property has a unique situation with the large swale, that a recommendation is given to the Code Enforcement Board for their consideration to work with the resident and reach an agreement.

Attorney Hearn recommends that the process and decision remain with the Code Enforcement Board and if the resident does not agree they can appeal to the Circuit Court.

There was no consensus from the Commission for Commissioner Childress' motion.

7.d Manager Garcia introduced David Cardenas, Chief of the Miami-Dade County Public Works Department / Right-of-Way Aesthetic & Assets Management Division. Mr. Cardenas provided a report on the condition of the Australian Pines along Griffing Blvd. from 120th street to 115th street. Their disposition report identifies that 15 trees need to be removed and recommends immediate removal as funding is available in their current budget. Mr. Cardenas further stated that he will work with the Village on the type of trees to replace those that are removed.

Manager Garcia would provide notification to all of the residents along Griffing Blvd prior to the end of the week.

Direction also given to have both the Parks & Parkway Advisory Board and the Ecology Board add to their agenda a discussion and recommendation for the replacement trees at their next meeting.

7.e Manager Garcia provided an update on North Miami's response on the capital improvement water fee and their proposal to use what has been paid to date to retire a sewer debt which will then be replenished in the next four fiscal years.

After discussion, a motion made by Commissioner Bernard to direct the Village Attorney to use all possible means to protect the Village and to create an inter-local agreement with North Miami. Commissioner Cooper seconds the motion.

After additional discussion, the motion was called to a vote.

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross, Vice Mayor Anderson and Commissioner Childress

Motion fails 2/3

Vice Mayor Anderson requests consensus that staff is directed to contact Miami Dade County to see if they would be responsive to providing water service to Biscayne Park and for the cost of the improvement be added to the water bill. There was consensus from the Commission.

Staff was further directed to stay in communication with North Miami and obtain additional information.

- 7.f Manager Garcia would obtain a status on the FPL Hardening project and provide at the next meeting.

Vice Mayor Anderson makes a motion to adjourn the meeting at 11:00pm. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson and Commissioner Childress

Opposed: Commissioner Bernard and Commissioner Cooper

Motion carries 3/2

## 10 Ordinances - FIRST READING

### 10.a Ordinance 2011-3

AN ORDINANCE OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AMENDING CHAPTER 6.5 OF THE VILLAGE'S CODE OF ORDINANCES ADDRESSING FLOOD PREVENTION AND PROTECTION** IN THE VILLAGE OF BISCAYNE PARK, FLORIDA; UPDATING AND AMENDING DEFINITIONS; ELIMINATING REFERENCES TO MANUFACTURED HOMES; AMENDING THE DEFINITION OF SUBSTANTIAL IMPROVEMENT; AND REQUIRING CERTAIN TECHNICAL DATA TO BE FILED; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Hearn read the title of the ordinance.

Alex David from Bell David Planning Group provided the background.

Mayor Ross opened the meeting for public comment and there were none.

After discussion and consensus on changes to the ordinance, Commissioner Childress makes a motion to approve at first reading. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson, Commissioner Bernard, Commissioner Childress, Commissioner Cooper.

Opposed: None

Motion carries 5/0

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All items not heard at today's regular commission meeting will be moved to Tuesday, September 20, 2011, to be heard after the 2nd Public Hearing of the 2011-12 Budget.

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The Clerk read the announcements:

All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Wednesday, September 14th - Recreation Advisory Board at 6:30pm

Thursday, September 15th - Campaign Skills Seminar sponsored by the Miami Dade Commission on Ethics and Public Trust from 6:30pm to 8:30pm

Friday, September 15th - Food & Tunes Night sponsored by the Biscayne Park Foundation starting at 6:00pm

Monday, September 19th - Planning & Zoning at 6:30pm

Tuesday, September 20th - 2nd Public Hearing FY 2011-12 Budget at 6:30pm

Wednesday, September 21st - Parks & Parkway Advisory Board at 6:00pm

Wednesday, September 21st - Code Review Board at 7:00pm

Thursday, September 22nd - Ecology Board at 6:30pm

Tuesday, September 27th - Code Enforcement Board at 7:00pm

The meeting was adjourned at 11:05PM.

Commission approved on \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Roxanna Ross, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk



VILLAGE OF BISCAYNE PARK  
640 NE 114TH STREET  
BISCAYNE PARK, FL 33161  
TEL: 305 899 8000 FAX: 305 891 7241  
www.biscayneparkfl.gov

Mayor and Commission

Roxanna Ross  
Mayor

Robert "Bob" Anderson  
Vice Mayor

Steve Bernard  
Commissioner

Albert Childress  
Commissioner

Bryan Cooper  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

## MINUTES

2nd Public Hearing Fiscal Year 2011-12 Budget  
Ed Burke Recreation Center - 11400 NE 9th Court  
Biscayne Park, FL 33161  
Tuesday, September 20, 2011 at 6:30PM

**1 Call to Order**

**2 Roll Call**

Mayor Roxanna Ross called the meeting to order at 6:37PM. In addition to Mayor Ross, present were:

Vice Mayor Bob Anderson  
Commissioner Steve Bernard  
Commissioner Al Childress  
Commissioner Bryan Cooper.

Present from staff were:

Village Manager Ana Garcia  
Village Clerk Maria Camara  
Village Attorney Eve Boutsis  
Finance Director Charles Smith  
Police Chief Mitchell Glansberg  
Finance Clerk Wendy Hernandez  
Parks & Recreation Director Issa Thornell  
Public Works Director Bernard Pratt  
Public Works Administrative Assistant Cesar Hernandez

**3 Pledge of Allegiance and Moment of Silence**

**4 Presentations**

- 4.a Aletha Player from FP&L provided an update on the FPL Hardening Project which includes the removal of 95 poles and adding 101 new poles. The project is projected to be completed by end of November.

Mayor Ross asked that FP&L to work with resident Noah Jacobs and to notify the Manager of her findings and any resolution.

- 4.b Nestor Caballero, Alberni, Caballero & Castellanos, LLP, provided an update on the 2009-10 audit.

**5 Additions, Deletions or Withdrawals to Agenda**

Manager Garcia pulls item 9b - Resolution 2011-40 and will bring back at a subsequent meeting.

Mayor Ross will move Public Comments Related to Agenda Items to after the 2nd reading of Ordinances 2011-04 and 2011-05.

**7 Ordinances - SECOND HEARING**

**7.a Ordinance No. 2011-04**

AN ORDINANCE OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING THE 2011-2012 MILLAGE RATE AT 8.90 MILS** FOR EACH \$1,000 OF ASSESSED VALUATION UPON REAL AND PERSONAL PROPERTY WITHIN THE VILLAGE LIMITS OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

Attorney Boutsis read the title of the ordinance

Mayor Ross opened the meeting for public comment and there were none.

Commissioner Childress makes a motion to approve. It was seconded by Vice Mayor Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson, Commissioner Childress and Commissioner Cooper.

Opposed: Commissioner Bernard

Motion carries 4/1

**7.b Ordinance No. 2011-05**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ADOPTING A BUDGET FOR FISCAL YEAR 2011-2012** FOR THE VILLAGE OF BISCAYNE PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Boutsis read the title of the ordinance

Mayor Ross opened the meeting for public comment:

Fred Jonas

Chuck Ross

Barbara Kuhl

Karen Cohen

As each Commissioner and the Mayor spoke, the following requests were made.

1. Commissioner Bernard makes a motion that \$12,000 be added to the budget for the maintenance of abandoned property.
2. Commissioner Bernard requests that all additional documents presented at tonight's 2nd Public Hearing be made a part of the final budget.
3. Commissioner Cooper asks for each department listed on the Administrative Fee for Sanitation comment on it for the public.
4. Mayor Ross requests that \$250 be added to the Village Commission budget to allow attendance for each Commissioner to the Best Practices Trade Show in December.
5. Mayor Ross requests that funding be added for the purchase of 2 to 3 defibrillator in the Police budget.

After Manager Garcia provided general responses to Commission comments, each of the listed requests and/or motions were addressed:

3. Manager Garcia and Finance Director Smith provided the answers to Commissioner Cooper's request on the Administrative Fee in the Sanitation Fund.

1. Commissioner Bernard's original motion to add \$12,000 for maintenance of abandoned property is changed to \$5,000 and it is seconded by Commissioner Cooper. That motion is called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson, Commissioner Bernard, Commissioner Childress and Commissioner Cooper.

Opposed: None

Motion carries 5/0.

2. Commissioner Bernard's request to add all documents to the final budget is voted on:

All in favor: Commissioner Bernard, Commissioner Childress and Commissioner Childress.

Opposed: Mayor Ross and Vice Mayor Anderson

Request is approved 3/2.

Commissioner Bernard also requests that on pg 118, line item 660.06 that "traffic calming" is added to the description. Consensus from Commission to do so.

4. Vice Mayor Anderson makes a motion to add \$250 to the Village Commission budget for the Best Practices Trade Show in December. It is seconded by Commissioner Bernard.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson, Commissioner Bernard, Commissioner Childress and Commissioner Cooper.

Opposed: None

Motion carries 5/0.

5. Commissioner Bernard makes a motion to add \$2,500 to \$3,000 as an expenditure in the Police Forfeiture Fund for the purchase of defibrillators. It was seconded by Mayor Ross.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson, Commissioner Bernard, Commissioner Childress and Commissioner Cooper.

Opposed: None

Motion carries 5/0.

The original motion to approve Ordinance 2011-05 was called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson and Commissioner Childress.

Opposed: Commissioner Bernard and Commissioner Cooper

Motion carries 3/2

## **8 Village Manager Report**

8.a Manager Garcia provided an update on the following:

> October 3rd is the tentative date for the closing of the 121st Median and that all residents affected will be notified prior.

> All residents along Griffing Blvd were notified of the removal of the Australian Pines.

> A meeting has been set up with Miami Dade County Water & Sewer (WASA)

> Working with Village Attorney on the North Miami Water Utility issue.

## **9 Consent Agenda**

Commissioner Bernard pulls item 9c - Resolution 2011-42 and it is moved to Resolutions as item 12b.

Commissioner Cooper pulls item 9d - Resolution 2011-43 and it is moved to Resolutions as item 12c.

Commissioner Childress pulls item 9e - Resolution 2011-44 and it is moved to Resolutions as item 12d.

The following item remains in the consent agenda:

9.a Approval of Minutes

- > July 12, 2011 Regular Commission Meeting
- > August 2, 2011 Regular Commission Meeting
- > August 16, 2011 - 1st Budget Workshop FY 2011-12
- > August 17, 2011 - 2nd Budget Workshop FY 2011-12
- > August 18, 2011 - 3rd Budget Workshop FY 2011-12

Motion to approve the consent agenda made by Vice Mayor Anderson and it is seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson, Commissioner Bernard, Commissioner Childress and Commissioner Cooper.

Opposed: None

Motion carries 5/0.

**10 Public Hearings - None**

**11 Ordinances - FIRST READING - None**

**12 Resolutions**

**12.a Resolution 2011-30**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **ESTABLISHING A GIFT POLICY FOR THE VILLAGE**; PROVIDING THE MANAGER THE DIRECTION TO ACCEPT MONETARY GIFTS TO THE VILLAGE UP TO \$5,000; ALL OTHER MONETARY GIFT ABOVE \$5,000 SHALL BE BROUGHT TO THE VILLAGE COMMISSION FOR DISCUSSION AND/OR AUTHORIZATION TO ACCEPT THE PROPOSED GIFT; AUTHORIZING THE VILLAGE MANAGER TO DECIDE WHAT PUBLIC PURPOSE THE MONETARY DONATIONS OF \$5,000 OR LESS SHOULD BE USED FOR; AUTHORIZING THE MANGER TO ACCEPT "IN KIND" DONATIONS; HOWEVER, ANY DONATIONS OF ART SHALL REQUIRE AUTHORIZATION BY THE VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Boutsis read the title.

Commissioner Bernard makes a motion that the resolution is passed with two changes: \$2,500 limit from \$5,000 and include a pay to play prohibition clause. The motion is seconded by Commissioner Cooper.

The motion is called to a vote:

All in favor: Commissioner Bernard and Commissioner Cooper

Opposed: Mayor Ross, Vice Mayor Anderson and Commissioner Childress.

Motion fails 2/3

Commissioner Childress makes a motion that the resolution is approved as stated with \$5,000 limit and that a reference is made to Miami Dade County's ordinance on pay to play. The motion is seconded by Vice Mayor Anderson.

The motion is called to a vote:

All in favor: Vice Mayor Anderson, Commissioner Bernard, Commissioner Cooper and Commissioner Childress

Opposed: Mayor Ross

Motion carries 4/1

12.b **Resolution 2011-42**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **RATIFYING THE SELECTION OF MAGNA CONSTRUCTION, INC., AS THE SELECTED CONTRACTOR FOR A LIMITED SCOPE STORMWATER DRAINAGE PROJECT** LOCATED AT 924 NE 109TH ST; PROVIDING FOR AN EFFECTIVE DATE

Attorney Boutsis read the title.

After discussion, Commissioner Childress makes a motion to approve and it is seconded by Vice Mayor Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson and Commissioner Childress.

Opposed: Commissioner Bernard and Commissioner Cooper

Motion carries 3/2

---

Mayor Ross asks for a recess at 9:51pm.

The meeting resumes at 9:59pm.

---

12.c **Resolution 2011-43**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA RELATING TO CONTRACTS; **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT FOR PROFESSIONAL SUPPORT SERVICES TO CHARLES A. SMITH, JR. AS FINANCE DIRECTOR** FOR THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Boutsis read the title.

After discussion, Commissioner Childress makes a motion to approve and it is seconded by Vice Mayor Anderson.

During Commission discussion the following changes were requested:

Section II Purpose - take out "certified public accountant"

Section III Scope of Services - should be more generalized, take out the specifics.

Section IV Term of Agreement - refer to section III

Section V Price - days should be referenced as hours to be more specific, maximum average of 40 hrs per week.

Section IX Document Retention - add provision for taking home documents.

Section VII Change Orders - change Executive Director to Village Manager, change board to Commission, take out small purchase threshold.

Commissioner Childress makes a motion to accept the resolution with the amendments to the contract as discussed and it was seconded by Commissioner Bernard.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson, Commissioner Bernard and Commissioner Childress.

Opposed: Commissioner Cooper

Motion carries 4/1

12.d **Resolution 2011-44**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **DECLARING VILLAGE VEHICLES AS SURPLUS PROPERTY AND GRANTING THE VILLAGE MANAGER AUTHORIZATION TO SELL SAID SURPLUS** THROUGH GOV DEALS; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Boutsis read the title.

Commissioner Childress asked to compare the percentage paid to GovDeals to the Miami Dade County GSA. Manager will compare and bring back the resolution with the information at the next meeting.

**13 Old Business**

13.a Discussion on acquiring the services of "Ethics Hotline" related companies.

Motion made by Commissioner Cooper to move forward and task the Village Administration to provide 3 to 5 quotes and information on Ethics Hotline related companies. It was seconded by Commissioner Bernard.

After discussion, the motion was called to a vote.

All in favor: Commissioner Cooper and Commissioner Bernard

Opposed: Mayor Ross, Vice Mayor Anderson and Commissioner Childress.

Motion fails 2/3

Commissioner Bernard makes a subsidiary motion to put education package for all employees and for Attorney to review. It was seconded by Commissioner Cooper.



Commissioner Cooper asks that the motion is amended to include adding it to the employee handbook. The amendment is accepted by Commissioner Bernard.

The motion is called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson, Commissioner Bernard, Commissioner Childress and Commissioner Cooper.

Opposed: None

Motion carries 5/0.

Manager Garcia asked the Village Clerk to read into the record a text she received on May 8, 2011 from former Finance Clerk Marilu Manso: *"Happy Mother's Day. By nature you are a protecting mother to all your employees!"*

---

All pending items not heard on the agenda will be moved to the October 4th regular commission meeting.

**Announcements:**

The Clerk read the announcements:

Wednesday, September 21st - Parks & Parkway Advisory Board at 6:00pm

Wednesday, September 21st - Code Review Board at 7:00pm

Thursday, September 22nd - Ecology Board at 6:30pm

Tuesday, September 27th - Code Enforcement Board at 7:00pm

Our next regular Commission meeting is Tuesday, October 4th, 2011 at 7:00pm.

Meeting was adjourned at 11:02pm.

Commission approved on \_\_\_\_\_.

Attest:

---

Roxanna Ross, Mayor

---

Maria Camara, Village Clerk



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000  
Fax: 305 891 7241

## Mayor and Commission

Roxanna Ross  
Mayor

Robert "Bob" Anderson  
Vice Mayor

Steve Bernard  
Commissioner

Albert Childress  
Commissioner

Bryan Cooper  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

# Updated

September 26, 2011

To: Mayor Roxana Ross  
Vice Mayor Bob Anderson  
Commission Steve Bernard  
Commissioner Al Childress  
Commissioner Bryan Cooper

From: Ana M. Garcia, Village Manager

**Re: Resolution 2011-44 – Sale of Surplus Vehicles**

### **Background Analysis:**

The Village owns a 1999 Toyota Camry that has been utilized for several years as the vehicle for the Code Enforcement Officer. This past May, the Village's Police Department acquired a 2007 Toyota Camry as a result of a criminal case. Mileage and service needs must be considered with all vehicles; therefore a decision was made to utilize the newly acquired Toyota Camry as the vehicle to be used for the Code Enforcement Officer.

The Village also owns a 2004 Thomas 21 Passenger Bus. This was originally purchased by the Village to be used for the Recreation programs. With the restructuring of the Parks & Recreation Department in January of 2009, the bus has become idle. In the current 2010-11 budget, the bus was being considered as the circulator for the Village, replacing the NOMI (North Miami Shuttle). However, earlier this year, our traffic engineers, Kimley-Horn and Associates, provided an assessment of creating our own circulator. Based on the data they collected from a survey and workshop for our residents, it was their recommendation that the Village not initiate its own circulator service. We support Kimley-Horn's recommendation.

Based on the above, we have determined that both these vehicles, the 1999 Toyota Camry and the 2004 Thomas 21 Passenger Bus are no longer needed in the Village and are considered as surplus.

We have researched two venues for the sale of these vehicles:

- GovDeals.com – provides services to various government agencies that allow them to sell surplus and confiscated items via the Internet. Gov Deals will retain 7.5% of the sale price for their service.
- Miami Dade County - Surplus sales services within Miami-Dade County are provided by the Administrative and Business Services Division of the General Services Administration (GSA)

**Manager Recommendation**

**Page 1 of 2**

department. GSA will retain 20% of the sale price for their service through an inter-local agreement.

**Fiscal/Budgetary Impact**

The Village will sell the vehicles based on blue book value through GovDeals.com which will retain 7.5% of the final sale price.

**Manager Recommendation**

Manager recommends approval.

1  
2  
3 **RESOLUTION NO. 2011-44**  
4

5 **A RESOLUTION OF THE VILLAGE COMMISSION**  
6 **OF THE VILLAGE OF BISCAYNE PARK, FLORIDA**  
7 **DECLARING VILLAGE VEHICLES AS SURPLUS**  
8 **PROPERTY AND GRANTING THE VILLAGE**  
9 **MANAGER AUTHORIZATION TO SELL SAID**  
10 **SURPLUS THROUGH GOV DEALS; PROVIDING FOR**  
11 **AN EFFECTIVE DATE.**  
12

13 WHEREAS, the Village of Biscayne Park owns a 2004 Thomas 21 Passenger Bus  
14 originally purchased for use by the Recreation Department, but has been idle since the  
15 Recreation programs were scaled back in January 2009, and was recently being considered for  
16 utilization as a Village circulator; and  
17

18 WHEREAS, in April 2011, Kimley-Horn and Associates, Inc. was contracted to do an  
19 assessment of a Village transit circulator system; and,  
20

21 WHEREAS, on July 26, 2011, Kimley-Horn and Associates, Inc. provided their  
22 recommendation that the Village not initiate its own circulator service; and,  
23

24 WHEREAS, Village Administration has determined that the 2004 Thomas 21  
25 Passenger Bus is no longer needed for any service or capacity within the Village; and,  
26

27 WHEREAS, the Village of Biscayne Park owns a 1999 Toyota Camry that was utilized  
28 for several years as the vehicle for the Code Enforcement Officer; and,  
29

30 WHEREAS, in May of 2011, the Police Department acquired a 2007 Toyota Corolla as  
31 abandoned property through a criminal case, and then put into service for the Code  
32 Enforcement Officer replacing the Toyota Camry; and,  
33

34 WHEREAS, Village Administration has determined that the 1999 Toyota Camry is no  
35 longer needed for any service or capacity within the Village; and,  
36

37 WHEREAS, these two vehicles are now considered surplus and will be sold through  
38 GovDeals, a service provider to various government agencies and municipalities to sell surplus  
39 items via the Internet; a standard practice for municipalities throughout the country.  
40

41 NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE  
42 VILLAGE OF BISCAYNE PARK, FLORIDA:  
43

44 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as  
45 being true and correct and hereby made a specific part of this Resolution upon adoption hereof.  
46

47 **Section 2.** The following vehicles are hereby declared surplus property of the  
48 Village:

**1999 Toyota Camry, Vin# 4T1BG22K6XU486102 Mileage 85,312**

**2004 Thomas 21 Passenger Bus, Vin# 1FDXE45P74HB27263 Mileage 3,824**

**Section 3.** The Village Manager is authorized to sell the vehicles through GovDeals, proceeds to be put into the General Fund.

**Section 4.** This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this \_\_\_\_ day of October, 2011.

**The foregoing resolution upon being put to a vote, the vote was as follows:**

Mayor Ross: \_\_\_\_\_  
 Vice Mayor Anderson: \_\_\_\_\_  
 Commissioner Bernard: \_\_\_\_\_  
 Commission Childress: \_\_\_\_\_  
 Commissioner Cooper: \_\_\_\_\_

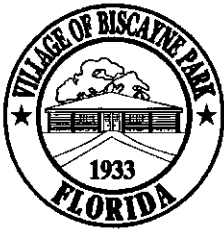
Roxanna Ross, Mayor

Attest:

**Maria C. Camara, Village Clerk**

Approved as to form:

**John J. Hearn, Village Attorney**



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000  
Fax: 305 891 7241

Date: September 8, 2011

To: Village Clerk Maria Camara

From: Commissioner Bob Anderson

**Re: Consent Agenda Request Item Resolution 2011-45**

## **Background Analysis:**

F.S. 366.93 known as "Early Cost Recovery" was passed in 2006 by the Florida Legislature. This statute allows utilities to charge customers in advance of operating and constructing a nuclear power plant. The utility may collect these charges but never complete the project. In the event the project is not completed there is no requirement that they refund the monies. These additional charges can mean huge increases in electric bills at a time when so many are struggling economically.

The Village of Pinecrest is proposing a resolution asking that the Public Service Commission deny any future "Early Cost Recovery Funding" to FPL. In addition they are asking that the Legislature repeal F.S. 366.93.

The Miami-Dade League of Cities Energy Committee is urging all cities to pass a similar resolution. The PSC will be hearing a rate increase request from FPL in mid-October so this resolution is time sensitive.

## **Fiscal/Budgetary Impact:**

By not tacking on additional charges for "Early Cost Recovery" it would be a budgetary savings to the Village of Biscayne Park.

## **Recommendation:**

Approve resolution 2011-45

1  
2  
3 **RESOLUTION 2011-45**  
4

5 **A RESOLUTION OF THE VILLAGE OF**  
6 **BISCAYNE PARK, FLORIDA, URGING THE**  
7 **PUBLIC SERVICE COMMISSION TO DENY**  
8 **APPROVAL OF ANY FURTHER “EARLY COST**  
9 **RECOVERY” AND URGING THE FLORIDA**  
10 **LEGISLATURE TO REPEAL THE “EARLY COST**  
11 **RECOVERY” STATUTE RELATING TO**  
12 **ELECTRIC UTILITY CHARGES FOR THE**  
13 **SITING, DESIGN, LICENSING, AND**  
14 **CONSTRUCTION OF NUCLEAR PLANTS;**  
15 **PROVIDING FOR AN EFFECTIVE DATE.**  
16

17 WHEREAS, F.S. 366.93, known as “Early Cost Recovery,” was adopted by The Florida  
18 Legislature in 2006 and provides that utilities may charge customers in advance of operation for  
19 the costs of planning, lobbying for, and constructing nuclear power plants; and  
20

21 WHEREAS, the Early Cost Recovery statute provides that the utility may impose and  
22 collect the charge but never actually complete the project, thus charging the rate payer for  
23 improvements and infrastructure they will never actually provide to customers; and  
24

25 WHEREAS, FPL has currently charged, collected from its customers and spent \$268  
26 million in Early Cost Recovery funds and is seeking approval from the Public Service  
27 Commission for an additional \$186 million in 2012 new nuclear-related projects including the  
28 construction of two additional nuclear reactors at Turkey Point in South Miami-Dade, but which  
29 have never received approval for a license by the Nuclear Regulatory Commission; and  
30

31 WHEREAS, the additional funds requested by FPL may represent a dramatic increase in  
32 the customer’s monthly bill at a time when consumers are struggling to pay current bills; and  
33

34 WHEREAS, FPL executives have stated that nuclear reactors are too expensive to build,  
35 yet FPL continues to collect money from the rate-payers under “Early Cost Recovery” to finance  
36 other infrastructure projects listed under their nuclear Combined Operating License Application;  
37 and  
38

39 WHEREAS, publicly traded utilities receiving money from ratepayers under “Early Cost  
40 Recovery” are not obliged to pay back those funds if their nuclear generation projects are not  
41 completed; and  
42

43 WHEREAS, publicly traded utilities receiving money from ratepayers under “Early Cost  
44 Recovery” can and do use those moneys to lobby and litigate against the public to pursue projects  
45 the rate payers oppose; and  
46

47 WHEREAS, improvements in domestic energy efficiency are the best energy investments  
48 available, are carbon-free, safe, and can provide more jobs to Floridians than any other energy  
49 investment, but “Early Cost Recovery” monies are not permissible for such investments; and

1  
2 WHEREAS, nuclear reactors financed through "Early Cost Recovery" have become the  
3 most expensive way to produce electricity; and  
4

5 WHEREAS, the nuclear reactor designs currently being financed through "Early Cost  
6 Recovery" have never been deployed and may pose unforeseen risks to citizens of the  
7 Southeastern United States;  
8

9 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF**  
10 **THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:**  
11

12 **Section 1.** That the Village Commission hereby urges the Florida Public Service  
13 Commission to deny FPL approval of any further Early Cost Recovery funding.  
14

15 **Section 2.** That the Village Commission hereby urges The Florida Legislature to  
16 repeal F.S. 366.93 relating to Early Cost Recovery.  
17

18 **Section 3.** This resolution shall take effect immediately upon adoption.  
19

20 PASSED AND ADOPTED this \_\_\_\_ day of October, 2011.  
21  
22  
23  
24

**The foregoing resolution upon being  
put to a vote, the vote was as follows:**

25  
26  
27  
28 \_\_\_\_\_  
29 Roxanna Ross, Mayor

30  
31 Attest:

Mayor Ross: \_\_\_\_\_  
Vice Mayor Anderson: \_\_\_\_\_  
Commissioner Bernard: \_\_\_\_\_  
Commission Childress: \_\_\_\_\_  
Commissioner Cooper: \_\_\_\_\_

32  
33  
34  
35 \_\_\_\_\_  
36 Maria C. Camara, Village Clerk

37  
38 Approved as to form:  
39  
40  
41

42 \_\_\_\_\_  
43 John J. Hearn, Village Attorney  
44



1  
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3 **RESOLUTION NO. 2011-46**  
4

5 **RESOLUTION OF THE VILLAGE**  
6 **COMMISSION OF THE VILLAGE OF**  
7 **BISCAYNE PARK RATIFYING THE**  
8 **APPOINTMENT OF KELLI ROMANO TO**  
9 **THE RECREATION ADVISORY BOARD;**  
10 **PROVIDING FOR AN EFFECTIVE DATE**  
11

12  
13 WHEREAS the Village of Biscayne Park has established certain advisory  
14 boards, each consisting of five members and alternates as deemed necessary, including  
15 the Recreation Advisory Board; and  
16

17 WHEREAS, the Recreation Advisory Board is comprised of five members, each  
18 appointed by a Commissioner, and no alternates currently serve; and  
19

20 WHEREAS, the Code provides that the Village Commission may appoint  
21 alternates for any board or committee as it deems necessary; and,  
22

23 WHEREAS, recreation and leisure activities enhance our community and life  
24 experience in the Village; and,  
25

26 WHEREAS, the Recreation Advisory Board has not met quorum, and is in need  
27 of greater support.  
28

29  
30 NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION  
31 OF THE VILLAGE OF BISCAYNE PARK, FLORIDA  
32  
33

34 **Section 1.** The foregoing "WHEREAS" clauses are true and correct and  
35 hereby ratified and confirmed by the Village Commission.  
36

37 **Section 2.** That Kelli Romano be appointed to the Recreation Advisory  
38 Board.  
39

40 **Section 3.** This Resolution shall become effective upon adoption.  
41

42 PASSED AND ADOPTED this \_\_\_\_\_ day of October, 2011.  
43

44 **The foregoing resolution upon**  
45 **being put to a vote, the vote was**  
46 **as follows:**  
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\_\_\_\_\_  
Roxanna Ross, Mayor

Attest:

\_\_\_\_\_  
Maria C. Camara, Village Clerk

Approved as to form:


\_\_\_\_\_  
John J. Hearn, Village Attorney

Mayor Ross: \_\_\_\_\_  
Vice Mayor Anderson: \_\_\_\_\_  
Commissioner Bernard: \_\_\_\_\_  
Commission Childress: \_\_\_\_\_  
Commissioner Cooper: \_\_\_\_\_

# BISCAYNE PARK POLICE DEPARTMENT

## MEMORANDUM

TO: Ms. Ana M. Garcia, Village Manager

FROM: Chief Mitchell Glansberg 

DATE: September 14, 2011

CC: Mayor Roxanne Ross, Village Commission, Mrs. Maria Camara, Village Clerk

RE: Agenda Item, **September 20<sup>th</sup>** Commission Meeting:  
Expenditure of Federal Forfeiture Funds

---

### **Federal Forfeiture Funds Expenditure Background:**

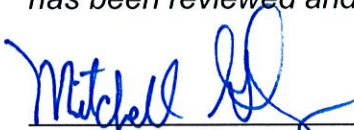
The Village of Biscayne Park Police Department is seeking expenditure of not more then **\$900.00** from the Village of Biscayne Park Police Department's Federal Forfeiture Funds account pursuant to Federal and State Forfeiture Guidelines to be utilized to for maintenance and upkeep for Police Unit #13.

Unit#13 is assigned to the Village's new Crime Prevention and Investigations Unit. The Commander of the unit will utilize the vehicle for crime prevention and narcotics interdiction.

The Village Attorney, Mr. John Hearn has reviewed the request and finds the request within allowable federal and state forfeiture Guidelines.

### **CERTIFICATION:**

*I, Mitchell S. Glansberg, Chief of Police, certify that all funds from the above request(s) will be utilized for law enforcement purposes and comply with the requirements of the State of Florida Forfeiture Guidelines and The Department of Justice/Treasury Forfeiture Guidelines, where applicable. The above request has been reviewed and approved by the office of the City Attorney.*



---

Mitchell S. Glansberg  
Chief of Police

1  
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3 **RESOLUTION NO. 2011-47**  
4

5 **A RESOLUTION OF THE VILLAGE**  
6 **COMMISSION OF THE VILLAGE OF**  
7 **BISCAYNE PARK, FLORIDA,**  
8 **APPROVING THE EXPENDITURE OF**  
9 **POLICE FORFEITURE FUNDS OF NOT**  
10 **MORE THAN \$900 FOR THE PURCHASE**  
11 **OF POLICE VEHICLE ACCEESSOSRIES;**  
12 **PROVIDING FOR AN EFFECTIVE DATE**  
13

14  
15  
16 WHEREAS, the Village of Biscayne Park Police Department insures that the  
17 vehicles in the police fleet are adequately equipped with necessary police equipment;  
18 and,  
19

20 WHEREAS, vehicle no. 13 has been assigned to the Village's new Crime  
21 Prevention and Investigations Unit and this vehicle will be utilized for crime prevention  
22 and narcotics interdiction; and,  
23

24 WHEREAS, the expenditure of not more than \$900.00 for the purchase of a  
25 light/siren package is pursuant to federal and state forfeiture guidelines.  
26

27 NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION  
28 OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:  
29

30 **Section 1.** The foregoing "WHEREAS" clauses are true and correct and  
31 hereby ratified and confirmed by the Village Commission.  
32

33 **Section 2.** That the Chief of Police is authorized to purchase the light/siren  
34 package not to exceed \$900 utilizing Police Forfeiture Funds.  
35

36 **Section 3.** This Resolution shall become effective upon adoption.

37 PASSED AND ADOPTED this \_\_\_\_ day of October, 2011.  
38

39 **The foregoing resolution upon**  
40 **being put to a vote, the vote was**  
41 **as follows:**  
42

43 \_\_\_\_\_  
44 Roxanna Ross, Mayor  
Mayor Ross: \_\_\_\_\_  
Vice Mayor Anderson: \_\_\_\_\_

Commissioner Bernard: \_\_\_\_\_  
Commission Childress: \_\_\_\_\_  
Commissioner Cooper: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Maria C. Camara, Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney



Date: 9/1/2011  
Invoice #: 300

8135 NW 32 Avenue  
Miami, FL 33147 Phone: 786-566-7462

To: Antonio J. Sanchez, Assistant Chief  
Biscayne Park Police Department  
640 NE 114 Street  
Biscay Park, FL 33161

Remove Siren Control, Power Pak, Siren Speaker, Headlight Flasher, Radio Antenna Cables, Etc. Rate \$50 per hour

REINSTALL EQUIPMENT - Install Whelen Siren Control, Front Top & Lower Dash Light, 2 Rear Deck Lights, 6 Corner Strobes with Power Pak, Center Console with Custom Bracket for Control Face, Computer Stand, Radio & Antenna Install, Front Speaker, Headlight Flasher, 100 amp Breaker with Fuse Block, Radar with Front and Rear Antenna

|         |  |          |           |
|---------|--|----------|-----------|
| 2 hours | REMOVAL - Whelen Siren Control with all wiring harness, Power Pak, Siren Speaker, Headlight Flasher, Radio Antenna Cables, Etc. Rate \$50 per hour | \$ 50.00 | \$ 100.00 |
|---------|--|----------|-----------|

|         |   |       |        |
|---------|---|-------|--------|
| 8 hours | REINSTALL EQUIPMENT - Install Whelen Siren Control, Front Top & Lower Dash Light, 2 Rear Deck Lights, 6 Corner Strobes with Power Pak, Center Console with Custom Bracket for Control Face, Computer Stand, Radio & Antenna Install, Front Speaker, Headlight Flasher, 100 amp Breaker with Fuse Block, Radar with Front and Rear Antenna | 50.00 | 400.00 |
|---------|---|-------|--------|

Total Discount

|           |           |
|-----------|-----------|
| Subtotal  | \$ 500.00 |
| Sales Tax |           |
| Total     | \$ 500.00 |

Thank you for your business!

8135 NW 32 Avenue, Miami, FL 33147, 786.566.7462, frank@911vehiclesupplies.com

# HAPPY CUSTOMERS ARE LOYAL CUSTOMERS



BODY REPAIR CENTERS, INC.

☐ LAUDERDALE LAKES  
2784 NW 31ST AVE.  
LAUDERDALE LAKES, FL 33311  
954-735-8600  
BRWD. CTY LIC. #216  
MV - 07860

☐ DADE  
16005 NW 57TH AVE.  
MIAMI GARDENS, FL 33014  
305-628-3078  
MV-07409  
MVR-9410099

☐ WEST MIAMI  
2404 MILAM DAIRY RD.  
MIAMI, FL 33122  
305-599-1011  
MV-07407  
MVR-95100325

**FAMILY  
OPERATED  
SINCE  
1975**

THIS IS AN ESTIMATE — NOT AN INVOICE PREPARED BY Ray

|                                      |                                |           |  |                               |  |
|--------------------------------------|--------------------------------|-----------|--|-------------------------------|--|
| NAME <u>Village of Biscayne Park</u> |                                | LICENSE # |  | No. 163102                    |  |
| ADDRESS                              |                                | MILEAGE   |  | ESTIMATED DATE <u>7/27/11</u> |  |
| CITY                                 | STATE                          | ZIP       | YEAR & MAKE OF VEHICLE <u>01 Crown VRC</u> |                               |  |
| HOME PHONE <u>305 859 8000</u>       | CELL PHONE <u>305 283 7884</u> |           |  |                               |  |

| SURFACE RECONDITIONING |         |                   | PAINT |  |  | LABOR |  |  | PARTS |  |  | COMPLETE PAINT & TRIM |          |               |                              |  |  |
|------------------------|---------|-------------------|-------|--|--|-------|--|--|-------|--|--|-----------------------|----------|---------------|------------------------------|--|--|
|                        |         |                   |       |  |  |       |  |  |       |  |  | PAINT SERVICE         |          | <u>350.00</u> |                              |  |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  | <u>ECONOMY</u>        | SILVER   |               |                              |  |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  | GOLD                  | PLATINUM |               |                              |  |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  | COLOR                 |          |               |                              |  |  |
| REPAIR                 | REPLACE | BODY REPAIRS      |       |  |  |       |  |  |       |  |  |                       |          |               | SEALER                       | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
|                        |         | <u>Roof holes</u> |       |  |  |       |  |  |       |  |  |                       |          |               | GLOSS EXTENDER               | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | VAN OR PICK UP               | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | SUV                          | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | DOOR JAMBS                   | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | UNDER HOOD                   | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | UNDER TRUNK                  | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | TWO TONE                     | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | COLOR                        |  |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | TRIM PAINTING                | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | COLOR                        |  |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | PIN STRIP                    | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | COLOR                        |  |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | DOOR EDGE GUARD              | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | SIDE TRIM                    | <input type="checkbox"/> YES <input type="checkbox"/> NO |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | COLOR                        |  |  |
| TOTALS                 |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | TOTAL PAINT & TRIM           | <u>350.00</u>  |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | TOTAL SURFACE RECONDITIONING |  |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | TOTAL LABOR                  | <u>50.00</u>   |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | BODY SHOP + PAINT MATERIAL   | <u>-</u>   |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | TOTAL PARTS                  | <u>-</u>   |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | HAZARDOUS WASTE HANDLING     | <u>\$15.00</u>   |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | SUB TOTAL                    |  |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | TAX                          | <u>tc</u>  |  |
|                        |         |                   |       |  |  |       |  |  |       |  |  |                       |          |               | GRAND TOTAL                  | <u>400.00</u>  |  |

THE ABOVE IS AN ESTIMATE BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER THE WORK HAS BEEN OPENED UP. OCCASIONALLY WORN PARTS ARE DISCOVERED AFTER WORK HAS STARTED, WHICH WERE NOT EVIDENT ON FIRST INSPECTION. BECAUSE OF THIS, THE ABOVE PRICES ARE NOT GUARANTEED.

REPAIR WORK CARRIES A 90 DAY WARRANTY. PAINT WORK CARRIES A LIMITED WARRANTY THAT VARIES WITH EACH PARTICULAR TYPE OF PAINT.

\$35.00 STORAGE FEE ON VEHICLE IF NOT PICKED UP 3 DAYS AFTER COMPLETION.

The hazardous waste charge of \$15.00 represents costs and profits to the motor vehicle repair facility

BASIS FOR CHARGES  
☐ HOURLY RATE ☐ FLAT RATE ☐ BOTH

TERMS:  
CASH UNLESS ARRANGEMENTS ARE MADE

REFERRAL SOURCE

AUTHORIZED BY

**ESTIMATE GOOD FOR 15 DAYS**

SORRY, NO CHECKS ACCEPTED. NOT RESPONSIBLE FOR LOSS OR DAMAGE TO CAR OR ARTICLES LEFT IN CARS IN CASE OF FIRE, THEFT OR OTHER CAUSE BEYOND OUR CONTROL. I HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE ALONG WITH THE NECESSARY MATERIAL AND HEREBY GRANT YOU AND/OR YOUR EMPLOYEES PERMISSION TO OPERATE THE VEHICLE HEREIN ACKNOWLEDGED ON ABOVE VEHICLE TO SECURE THE AMOUNT OF REPAIR THERETO.



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000  
Fax: 305 891 7241

## Mayor and Commission

Roxanna Ross  
Mayor

Robert "Bob" Anderson  
Vice Mayor

Steve Bernard  
Commissioner

Albert Childress  
Commissioner

Bryan Cooper  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

September 28, 2011

To: Mayor Roxana Ross  
Vice Mayor Bob Anderson  
Commission Steve Bernard  
Commissioner Al Childress  
Commissioner Bryan Cooper

From: Ana M. Garcia, Village Manager

**Re: Resolution 2011-48 Contract for Professional Support Services**

### **Background Analysis:**

The challenges our new Finance team faced this year were monumental. The accomplishments in spite of all odds reflect the team we have in place.

There exists more work to be done as we continue to raise the bar in all areas of our Finance Department, from further enhancing policies and procedures, to evaluating grant opportunities, asset inventory and the future needs of our Village from a capital improvement perspective.

The Auditors recommend that the Village of Biscayne Park continue to provide assistance to our Finance team especially in the very critical area of bank reconciliation and audit support, and recommend that the Village obtain additional assistance from a CPA. Though the 2009-2010 audit has been successfully completed, our plan is to commence the process of preparing for and being ready to address the audit for 2010-2011 and to complete it ahead of schedule.

As Manager I want to insure the success of our Finance team, and we support the recommendations of our Auditors. The 2011-12 Budget that was adopted includes \$5,000 for Professional Services – Accounting support. We recommend to increase that line item by \$5,000 for a total of \$10,000. The additional \$5,000 would be transferred from the Contingency line item in General Government.

By retaining the professional services of Paucar, Zamora & Hernandez, PLLC, we can insure that the Village of Biscayne Park and our Finance team are in an overall solid position.

### **Fiscal/Budgetary Impact**

Increasing the Professional Services – Accounting Support line item in Finance from \$5,000 to \$10,000 and making the necessary adjustment from the Contingency line item.

**Manager Recommendation**

**Page 1 of 2**



## **Manager Recommendation**

We ask for Commission support based on both the recommendations of our audit team as well as the Village management team. The firm of Paucar, Zamora & Hernandez, PLLC has been responsive and has worked extremely well with the Finance team and the auditors and that is reflected in goals achieved and deadlines met.

Manager recommends approval.

1  
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3 **RESOLUTION NO. 2011-48**  
4

5 **A RESOLUTION OF THE VILLAGE COMMISSION**  
6 **OF THE VILLAGE OF BISCAYNE PARK, FLORIDA**  
7 **RELATING TO CONTRACTS; AUTHORIZING THE**  
8 **VILLAGE MANAGER TO EXECUTE THE**  
9 **CONTRACT FOR PROFESSIONAL SUPPORT**  
10 **SERVICES TO PAUCAR, ZAMORA & HERNANDEZ,**  
11 **PLLC; PROVIDING FOR AN EFFECTIVE DATE.**  
12

13  
14  
15 WHEREAS, the professional support services of Paucar, Zamora & Hernancez, PLLC  
16 (hereinafter referred to as "Consultant") were utilized for the successful completion of the  
17 2009-10 audit; and,  
18

19 WHEREAS, additional work exists in all areas of Finance, specifically in the start and  
20 successful completion of the 2010-11 audit,; and,  
21

22 WHEREAS, our auditing firm has recommended that the Village continue to provide  
23 assistance to our Finance Department in the area of bank reconciliation and audit support; and  
24

25 WHEREAS, the services selection is consistent with section 2-141, relating to  
26 professional consultant services; and,  
27

28 WHEREAS, the Village desires to retain the services of the Consultant through a  
29 professional services contract for an amount not to exceed \$10,000, to encompass all services  
30 required and to be paid on task order basis, commencing October 5, 2011.  
31

32  
33 NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE  
34 VILLAGE OF BISCAYNE PARK, FLORIDA:  
35

36  
37 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as  
38 being true and correct and hereby made a specific part of this Resolution upon adoption hereof.  
39

40 **Section 2.** The Village Manager is authorized to execute the contract for  
41 professional support services with Paucar, Zamora & Hernandez, PLLC, for an amount not to  
42 exceed \$10,000. The agreement, in substantial form, is attached and incorporated by reference  
43 into this resolution as exhibit 1.  
44

45 **Section 3.** This Resolution shall become effective upon adoption.  
46

PASSED AND ADOPTED this \_\_\_\_ day of October, 2011.

**The foregoing resolution upon being  
put to a vote, the vote was as follows:**

\_\_\_\_\_  
Roxanna Ross, Mayor

Mayor Ross: \_\_\_\_\_  
Vice Mayor Anderson: \_\_\_\_\_  
Commissioner Bernard: \_\_\_\_\_  
Commission Childress: \_\_\_\_\_  
Commissioner Cooper: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Maria C. Camara, Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney

**VILLAGE OF BISCAYNE PARK CONTRACT FOR**  
**PROFESSIONAL SUPPORT SERVICES**

**THIS CONTRACT** is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2011 by and between the Village of Biscayne Park (Village), and Paucar Zamora & Hernandez, PLLC, (Consultant).

**WHEREAS**, the Village desires to engage and retain the services of the Consultant to perform the Certified Public Account work described in this contract and the Consultant desires to accept the engagement; and,

**WHEREAS**, Consultant maintains specialized services and knowledge of the Village's accounting and book keeping processes; and as a Certified Public Accountant is trained in municipal and governmental accounting standards; and

**WHEREAS**, due to Consultants unique skills, knowledge and experience, pursuant to the exemption for professional service contracts provided under the Village's procurement code, and the Consultant, with his specialized skills and knowledge has been selected to provide services; and,

**WHEREAS**, Consultant is to provide services to assist the Village in reviewing, editing, and assisting in work papers and trial balances for the Village for the 2010-2011 fiscal year; and,

**WHEREAS**, the Village desires to contract for Consultant's CPA services.

**NOW THEREFORE**, in consideration of the sum of \$10.00, the mutual promises and covenants contained in this contract, and for other good and valuable consideration, the receipt and legal sufficiency of which is acknowledged by both parties, the parties agree as follows:

**I. WHEREAS CLAUSES.** The above whereas clauses are incorporated and made a part of this contract.

**II. PURPOSE.** The purpose of this contract is for Consultant to provide the Village with Certified Public Accountant services, the full scope of services to be listed under Section III, below.

**III. SCOPE OF SERVICES.** The Consultant hereby agrees to provide consulting services on a "task order" basis to help the Village with its needs for qualified general accounting, reconciliation, analysis and accounting staff services.

**IV. TERM OF AGREEMENT.** The Consultant shall provide services specified in section IV on a month to month basis, for up to a year of service. This contract may be extended by the Village Manager for up to an additional year of service, under the same price term and conditions contained herein.

**V. PRICE.** The Village shall pay the Consultant on a “task order” basis based upon hourly services rate of \$90.00 an hour for accountants, and \$40.00 an hour rate for lesser staff not to exceed \$10,000, unless otherwise authorized under section VII, below.

**VI. ISSUING TASK ORDERS.** The Village shall issue task orders to Consultant. According to the “Notice to Proceed,” services shall commence on October 5<sup>th</sup>, 2011. The Village shall issue additional task orders as needed.

**VII. TERMINATION – GENERALLY.** The Village may terminate this agreement at any time by giving the Consultant 30 calendar days prior written notice and paying the Consultant for all time and expenses incurred up until that point. If the Village discovers a problem with the Consultant’s services, the Village shall immediately provide notice to the Consultant and list all deficiencies in the notice. The Consultant shall be provided seven calendar days to correct the deficiencies or problems listed in the notice. If the Consultant does not correct the problem to the satisfaction of the Village within the seven calendar days, the Village may elect to immediately terminate the agreement. The Village will be required to pay the Consultant for all time and expenses as provided for under Section VI, incurred up to date of termination. The Consultant’s hourly rate shall be as provided under Section 5, per consultant hour for the purposes of determining compensation due the Consultant under this termination provision. The Village Manager shall make the final decision on behalf of the Village as to Consultant’s compliance with terms of contract, quality of services and termination.

The Village shall have no liability to the Consultant for future profits or losses in the event of termination for default. The rights and remedies of the Village provided in this provision shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

Consultant is to provide 60 days prior written notice of intent to terminate this agreement. The Village will be required to pay the Consultant for all time and expenses as provided for under Section V, incurred up to date of termination.

**VII. CHANGE ORDERS.** The Village may request changes in the Scope of Services of this Consulting Services Agreement. Such changes, including any increase or decrease in the amount of the Consultant’s compensation, must be in writing and authorized by the Village Manager, provided the total on any and all changes and services remain under \$1,000.

**VIII. TRANSFER AND ASSIGNMENT.** None of the work or services under this contract shall be subcontracted unless the Consultant obtains prior written consent from the Village. Approved subconsultants shall be subject to each provision of this contract and Consultant shall be responsible and indemnify the Village for all subconsultant’s acts, errors or omissions.

The Consultant shall not assign, transfer or pledge any interest in this contract without the prior

written consent of the Village; provided, however, that claims for money by the Consultant from the Village under this contract may be assigned, transferred or pledged to a bank, trust company, or other financial institution without the Village's approval. Written notice of any assignment, transfer or pledge of funds shall be furnished within 10-days by the Consultant to the Village.

**IX. DOCUMENT RETENTION.** The Consultant shall provide one hard copy of all draft and final documents produced to the Village. All documents, including work notes, memorandum and all work papers must be retained for three years from the date of completion of the services. All books and records maintained for the Village, together with all supporting documents, shall remain the property of the Village, and shall be returned to the Village after they have served their purpose with the service, but in any event upon the termination of the contract. No original documents or data of the Village shall be removed from the Village's premises by the Consultant.

**X. EQUAL EMPLOYMENT OPPORTUNITY.** The Consultant agrees to comply with the provisions of Equal Employment Opportunity Act, (Executive Order 11246), and ensures that all employees or applicants for employment are not discriminated against because of their race, color, religion, sex, national origin or handicap status. The Consultant agrees to certify compliance with all applicable Equal Employment Opportunity regulations and employment practices.

**XI. SOVEREIGN IMMUNITY AND ATTORNEY'S FEES.** The Village does not waive sovereign immunity for any claim for breach of contract or for an award of prejudgment interest; provided, however, that in any action arising out of or to enforce this contract, the prevailing party shall be entitled to its reasonable attorney's fees and costs. The Village and the Consultant knowingly, irrevocably voluntarily and intentionally waive any right either may have to a trial by jury in State or Federal Court proceedings in respect to any action, proceeding, lawsuit or counterclaim based upon this agreement and scope of services herein.

**XII. JURISDICTION AND VENUE.** For the purposes of this contract, Florida law shall govern the terms of this contract. Venue shall be in Miami-Dade County, Florida.

**XIII. INSURANCE AND INDEMNIFICATION.**

The Village shall not be held liable or responsible for any claims which may result from acts, errors or omissions of the Consultant or its subconsultants. In reviewing, approving or rejecting any submissions or acts of the consultant, the Village in no way assumes responsibility or liability for the acts, errors or omissions of the Consultant or its subconsultants.

The Consultant shall not commence work under this contract until it has obtained all insurance required by the Village. The Consultant shall defend, indemnify and hold the Village harmless from any and all claims, liability, losses, expenses and causes of action arising solely out of a negligent act, error, or omission or misconduct of the Consultant, or the Consultant's subconsultants, suppliers and laborers incident to the performance of the Consultant's services

under this contract. The consultant shall pay all claims, losses, fines, penalties, costs and expenses of any nature whatsoever resulting from its intentional misconduct or negligence.

The Consultant shall maintain during the term of this contract the following insurance:

A. Consultant shall maintain the following Automobile liability insurance ---- with broad form endorsement, severability of interest with cross liability provision, and personal injury and property damage liability with limits of \$500,000.00 combined single limit per occurrence for bodily injury and property damage. The policy or policies shall name the Village as an additional insured and shall reflect the hold harmless provision contained herein.

B. Professional liability insurance with limits of \$2,000,000 combined single limit per occurrence. The policy or policies shall name the Village as an additional insured and shall reflect the hold harmless provision contained herein.

C. The policies shall contain waiver of subrogation against the Village where applicable and shall expressly provide that the policy or policies are primary over any other insurance that the Village may have. The Village reserves the right to request a copy of the required policies for review. All policies shall contain a "severability of interest" or "cross liability" clause without obligation for premium payment of the Village.

E. All of the insurance is to be placed with Best rated A-8 or better insurance companies qualified to do business under the laws of the State of Florida.

F. The Consultant shall furnish certificates of insurance to the Village prior to the commencement of operations. The certificates shall clearly indicate that the Consultant has obtained insurance in the type, amount, and classification as required for strict compliance with this section and that no reduction in limits by endorsement during the policy term, or cancellation of this insurance shall be effective without 30 days prior written notice to the Village.

G. Compliance with the foregoing requirements shall not relieve the consultant of its liability and obligations under this contract.

**XIV. COMPLIANCE WITH LAWS.** The Consultant shall comply with all federal and state laws, and provide services in a competent and professional manner. All financial reports prepared by the Consultant shall be signed by a qualified member of the Consultant's firm, if applicable, and such signature shall be construed only as a certification of the accuracy of the report according to the best of his or her knowledge and belief, based upon information and data furnished by the Village, which is readily available to the Consultant. Consultant shall not assume the role of an employee or of management nor will they make any management decisions concerning the financial statements. Thus it may not consummate transactions, maintain custody of any assets or liabilities or exercise any authority on behalf of the Village.

**XV. INDEPENDENT CONTRACTOR.**

(1) Consultant is an independent contractor and as such shall be responsible for all taxes and related obligations in connection with this underlying contract. The Consultant affirms to the Village that he is not debarred from providing services by the Village or the State of Florida.

(2) Furthermore, Consultant affirmatively is required to provide the Village with 30 day written notice of any change to the Consultants status regarding debarment.

(3) Consultant shall promptly notify the Village Manager and Village Commission concerning any operational/financial irregularities that may surface in the performance of his routine services.

(4) Consultant is to furnish services as an independent contractor to the Village and nothing in this contract shall create any association, partnership or joint venture between the parties, or any employer-employee relationships.

(5) As an independent contractor Consultant shall assist the Village in implementing municipal financial records, and complied with all state and federal certified public accounting requirements. Consultant shall not have the power to bind the Village to any contract. Consultant shall have the power to determine the amount of time necessary to fully perform under this contract. Consultant may provide services to other clients so long as Consultant fully performs under this contract and representation of other clients does not create a conflict of interest.

(6) The Consultant is an independent contractor under this Agreement and any project agreements and nothing in this Agreement shall create any association, partnership, or joint venture between the parties, or any employer-employee relationship. Personal services provided by the Consultant shall be by employees of the Consultant and subject to supervision by the Consultant, and not as officers, employees, or agents of the Village, personnel policies, tax responsibilities, social security, health insurance, employee benefits, purchasing policies, and other similar administrative procedures applicable to services rendered under this contract or the task orders issued herein shall be those of the Consultant.

**XVI. SEVERABILITY.** Should any section or any part of any section of this contract be rendered void, invalid or unenforceable by any court of law, for any reason, the determination shall not render void, invalid or unenforceable any other section or part of any section of this contract.

**XVII. NOTICES.** All notices given or required under this contract shall be deemed sufficient if sent by certified mail, return receipt requested, to the addresses of the Consultant and to the Village specified in this contract, unless either party shall specify to the other party a different address for the giving of the notices.

**XVIII. CONTRACTING OFFICER REPRESENTATION.** For the purposes of this contract, the contracting officers are as follows:



To the Village:           The Village of Biscayne Park  
                                  9381 S.W. 51st Terrace  
                                  Miami, FL 33165

To Consultant:           Paucar Zamora & Hernandez, PLLC  
                                  5825 Sunset Drive  
                                  Suite 304  
                                  South Miami, Florida 33143

**XIX. ENTIRE CONTRACT.** The contract, when signed by all of the parties, constitutes the full and complete understanding and contract of all parties and may not be in any manner interpreted or fulfilled in contradiction of its express terms. This contract and the incorporated attachments constitute the entire understanding between the parties and integrates by its terms all previous contracts or understandings, oral or written, between the parties. In the event of any conflict, the terms of this contract will govern over the provisions of any incorporated documents. This Agreement may be signed in two or more counterparts, each of which constitutes the agreement of the parties and each of which will be treated as an original.

**XX. MISCELLANEOUS PROVISION.** In the event a court must interpret any word or provision of this contract, the word or provision shall not be construed against either party by reason of drafting or negotiating this contract.

**XXI. ATTORNEY'S FEES.** In connection with any litigation arising out of this Agreement, the prevailing party shall be entitled to recover all reasonable costs incurred including reasonable attorney's fees, the fees and expenses of any paralegals, law clerks and legal assistants and costs for services rendered in connection with any enforcement of this Agreement, including appellate proceedings and post judgment proceedings. Neither party shall be responsible for pre-judgment interest.

**IN WITNESS WHEREOF** the parties have executed this contract on the date indicated above.

**WITNESSED:**

\_\_\_\_\_ By: \_\_\_\_\_  
  Paucar Zamora & Hernandez PLLC

\_\_\_\_\_ By: \_\_\_\_\_  
  Ana Garcia,  
  Village Manager



Date: **July 22, 2011**  
To: **Clerk Maria Camara**  
From: **Commissioner Steve Bernard**  
Re: **August Agenda Item – Manager Allegations**

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**REQUEST:**

**A DISCUSSION OF: Investigation into allegations regarding the Village Manager**

**BACKGROUND AND ANALYSIS:**

**A letter was emailed to the Village Commission on July 20, 2011 from a former Department Head that alleges improprieties by the Village Manager (see attached email and letter).**

**In order to determine if these allegations are accurate, and prior to the proposed investigation by the Village Attorney, the Village Commission should formally authorize the maximum cost for any investigation**

**In addition, and as in a previous investigation, the Commission should approve using an outside Attorney so as to maintain the appearance of independence from any Village politics.**

**FISCAL/BUDGETARY IMPACT:**

**Costs – to be determined**

**RECOMMENDATION:**

**Direct the Village Attorney to establish maximum cost and hire an outside investigator to investigate the written allegations of a former Department Head**

## **Village of Biscayne Park - Agenda**

**From:** mike arciola <mike.arciola@att.net>

**To:** rross@biscayneparkfl.gov; banderson@biscayneparkfl.gov; sbernard@biscayneparkfl.gov; achildress@biscayneparkfl.gov; bcooper@biscayneparkfl.gov

**Sent:** Wed, July 20, 2011 7:56:10 PM

**Subject:** Settlement Offer

**Attached is a letter detailing some events that took place during my tenure as Finance Director. I am only seeking what I was entitled to receive based upon my acceptance of an employment offer presented by the Village Manager. This offer was a starting salary of \$ 40,000 and a raise to \$ 50,000 on October 1, 2010.**

**The letter is written to show the commission that the Manager is a devious, calculating and untruthful individual who I believe is not qualified to manage a municipality. Just look back and see how many times she has blamed other individuals for the problems that she was should have been managing. Sure someone in Finance did not do the bank reconciliations but the Village Manager should have made sure they were done. It is like Obama blaming Bush. When does Ms. Garcia become responsible for what goes on in the Village.**

**Michael R. Arciola**

5304 Crystal Anne Drive  
West Palm Beach, FL 33417  
(561) 312-9150

July 20, 2011

Village of Biscayne Park  
640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Mayor Roxanna Ross and Honorable Commissioners:

I am writing to you out of frustration and desire that the truth about your Village Manager, Ana Garcia be known. As you all probably know, I resigned after one year of employment due to the fact that the Village Manager did not honor her employment commitment to me, which was a raise of \$ 10,000 on October 1, 2010. It is time that her true nature is exposed so that everyone knows how devious, calculating and untruthful she really is in her handling of the Village business. The following events are factual, a matter of record and can be proven:

1. Prior to me being hired by the Village, the Manager and I discussed salary. I wanted \$ 52,000 per year and she in her convincing manner about the Village finances and budget uncertainty, offered me \$ 40,000 with a promise to increase my salary to \$ 50,000 on October 1, 2010. I accepted that offer and became employed by the Village.
2. I faithfully worked hard to catch up all the work that was left undone for the past six months. Why the Manager allowed the financial transactions to fall so far behind before taking action is beyond my comprehension but I brought the accounting up to date with the exception of the General Fund activity. The absence of proper supervision and oversight by the Manager was the primary reason for most of the problems encountered by the Village. As the Chief Administrative Officer of the Village it is her responsibility to make sure all operations are functioning properly. She of course blamed everyone else except herself.

### **Village of Biscayne Park - Agenda**

3. I began the preparation of the Budget for fiscal year 2010-2011 and in that budget I placed my \$ 10,000 salary increase and a \$ 10,000 salary increase for the Village Clerk because we were both suppose to receive increases. When this was presented to the Manager she instructed me to take the increases out of the department budgets and place the money in the "Contingency Account". This of course was not the proper way to handle this item but I followed instructions. What happened next was she boasted that this budget was the first budget to contain a "Contingency" amount and that money would be used to cover the Union Bargaining Unit settlement when the new contracts were ratified. Never did she tell the Commission that the "Contingency" account contained over \$ 20,000 for raises for the Finance Director or Village Clerk. She kept that a secret, another devious method of accomplishing what she wanted to do. I have a copy of the proposed budget showing the additional \$ 10,000 in the Finance Director's salary and the Village Clerk's salary. It was shortly after this deception that the Manager gave control of the budget process to the Village Clerk and I only participated when the Manager thought it was convenient.
4. The budget eventually passed with the salary increases in the Contingency account. When October 1, 2010 came I asked the Manager about my increase and she told me that she wanted to wait until the two union contracts were finalized and then we would take care of all the increases at one time. Then she would make my salary increase retroactive to October 1, 2010. I bought that statement, hook, line and sinker. Well November came and went and so did December, January, 2011, February, March, April and May brought about the same excuses by the Manager and still no salary increase as she agreed to when she hired me in May, 2010.
5. By this time (May 2011), I realized that she was never going to give me that pay raise, she would use her same lies and method of operation to deceive the Commission and get what she wants to make herself look good. She knew I was frustrated after waiting eight (8) months for an agreed upon salary increase and she probably guessed that I would leave the Village. Her plan then would be to bring in an outside consultant who would save the Village money because he/she would be paid less than what my salary and benefits would have been and she would also save the money that was in the Contingency Account. She again would use the excuse that the turnover of personnel in the finance department caused the problem but all alone it was her bad management.
6. Part of the reason I resigned was due to the fact that the Village Manager told so many lies and used manipulation whenever it was convenient that I just could not continue to work for such a devious person. I will give you a few examples:
  - A. The manager would boast about internal controls she put in place to make sure the departments stay within budget. The method used was a purchase requisition that needed to be signed off by the Finance Department and the Manager. While the departments followed this process, the Manager did not. She would routinely order items from vendors without any budgetary approval. But she would tell the Commission we have a process in place to control costs.
  - B. She manipulated salaries in the Police Department in order to provide a better benefit to the police staff sometime in the future. Even though I was the Finance Director, I was completely left out of the union negotiations. When given a copy of the proposed contract I objected to several items because they would be too costly for the Village. This of course fell on deaf ears. I believe that the new contract was really the result of the salary adjustments (decreases) made earlier in the year, a practice that usually does not happen after a budget is adopted. No matter how hard I tried to keep the contract within financial control I was fighting a losing battle. I opposed a three (3) year contract and take home vehicles, both were in the proposed contract. I had become a perceived adversary of the Manager so I had to go.
  - C. Other matters that I tried to straighten out involved an employee who was not paying the proper amount for health insurance family coverage and was actually paying for a coverage that he did not have. I brought this to the attention of the Manager and the Clerk who handled the benefits administration and she (the clerk) just ignored the situation stating that the Manager felt this was a fair practice because of the troubles this person was having. This is technically a violation of the Union Contract.

## **Village of Biscayne Park - Agenda**

D. The Manager criticized some of the Commissioners for being "micro managers" but she herself was guilty of this. The Finance Clerk is a good example of this. The current Finance Clerk was hired on a part time basis. I believed that the Village needed someone a little stronger in accounting and I told the Manager and Clerk that myself. One day when reviewing the payroll reports, I saw that the Finance Clerk had worked 80 hours for the two week period. When I inquired about this I was told that the Manager made the Finance Clerk a full time employee without consulting me. Micro management at its best.

E. The Manager is doing something that I do not endorse in any way, shape or form. I believe it may border on extortion i.e. a "pay to play" type of atmosphere. The Village staff is actively talking to vendors about "donations" to the Village. The Finance Clerk mentioned to me that she made telephone calls to vendors soliciting "donations". I do not encourage calling vendors for financial donations, I believe in passive support of Village activities not direct contributions of money. If money were to be contributed, it would be because the vendor wanted to support the function not because a Finance Department Clerk telephoned them about a "donation". Several "donations" have been received from Village vendors who probably would not have contributed if the telephone calls were not made. In my opinion, strong-arming vendors is not the proper way for governments to do business.

This letter was written because the Village Manager lied to me and because of these lies has virtually disrupted my life. The previous Finance Clerk also wrote about Ms. Garcia's management methods. Now you have another letter detailing improprieties and poor management. When Ms. Garcia talked to me she was always so sincere, so committed to the "team effort". She has a natural ability to get people to believe her and I believed her but her actions proved the opposite. Now I am unemployed and the Village Management somehow convinced the Unemployment Office that it was my fault not the Village who erred. I will be appealing the unemployment decision and will pursue legal action in obtaining what was agreed upon during my hiring process, a \$ 10,000 raise in pay retroactive to October 1, 2010. It is time in my opinion, that Ana Garcia be exposed as the lying, devious and manipulative individual that she is.

I would prefer not to do this in a court of law, it will not benefit the Village or myself, but if I have to I will. This can all go away if the Village agrees to the following:

1. Do not oppose my unemployment appeal, thus allowing me to receive unemployment benefits.
2. Implement the agreed upon \$ 10,000 salary increase retroactive to October 1, 2010 and adjust my final wage payout accordingly (approximately \$ 7,500).

I am confident that once we get into a court of law and I get depositions of all the individuals involved including Commissioners, I will prevail and the Village will lose more than the cost of the unemployment benefits and back wages. I would like to settle this matter before legal proceedings begin.

Sincerely,

Michael Arciola



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000  
Fax: 305 891 7241  
[www.biscayneparkfl.gov](http://www.biscayneparkfl.gov)

Roxanna Ross  
Mayor

Robert "Bob" Anderson  
Vice Mayor

Steve Bernard  
Commissioner

Albert Childress  
Commissioner

Bryan Cooper  
Commissioner

Ana M. Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria C. Camara  
Village Clerk

September 23, 2011

To: Mayor Roxanna Ross  
Vice Mayor Bob Anderson  
Commissioner Steve Bernard  
Commissioner Al Childress  
Commissioner Bryan Cooper

From: Ana M. Garcia, Village Manager

This letter is submitted to the Mayor and Commissioners, residents and staff of the Village of Biscayne Park and is in response to former Finance Director Michael Arciola's letter dated July 20, 2011 that was sent to the entire Commission. Upon the advice of the Village Attorney's office, I did not immediately prepare a response due to Mr. Arciola's threat of litigation. However, since his letter has been published on the agenda for some time, I believe it is appropriate for me to address the self-serving and derogatory letter. In short, Mr. Arciola was looking for the Village Commission to interfere with the unemployment appeal process and to unduly influence the Commission so that he could receive unemployment benefits, despite having voluntarily resigned his position.

Mr. Arciola, the Village's former Finance Director, voluntarily resigned from his position as Finance Director in May of 2011 and soon thereafter applied for unemployment compensation, a claim that the Village of Biscayne Park contested, with the recommendation and approval of our Village Attorney. Mr. Arciola's claim was denied by the State, and thereafter, he filed an appeal and was hoping the Commission would improperly intervene in the process. This can be clearly seen by his three-page letter dated July 20, 2011, sent to the entire Commission via e-mail. Not only did he threaten litigation against the Village, but his allegations called me *"devious, calculating and untruthful"*. He also alleges in the cover e-mail that *"the Manger blames other individuals for the problems that she should have been managing"*. Mr. Arciola provides no support for these statements, and his accusations cannot be further from the truth. I will convey to you here the simple facts in this rebuttal to his accusations, point by point.

**Point No. 1:** Mr. Arciola signed a letter of employment on May 22, 2010 (exhibit A) accepting a salary of \$40,000 plus benefits (retirement, medical insurance, etc.). The offer made to Mr. Arciola, which was accepted by Mr. Arciola, was for \$40,000 and he signed for and accepted that salary.

Thereafter, I discussed with him that I would recommend to the Commission a salary adjustment for him and other employees for the new fiscal year (October 2010). Clearly, of all the Village employees, the Finance Director should be aware that without the budget allocation, the Village Manager cannot issue any salary adjustments. The initial budget presented to the Commission reflected the proposed salary increases. However, at the first budget workshop for the fiscal year 2010-2011, there was consensus from the Commission to have all raises and/or salary adjustments be put in the Contingency line item. Any use of the Contingency line item would require Commission approval. Mr. Arciola, as the Finance Director, was present not only for this workshop, but also for the second budget workshop and two (2) budget hearings. Mr. Arciola was fully aware of the budget proceedings and obviously participated in the development of the budget. The approved fiscal year 2010-2011 Budget described the Contingency line item as: *"Union contracts, employee contracts, salary adjustments, and any unforeseen expenses."* Mr. Arciola was aware of the Commission action, attended the hearings and never raised a concern or objection to the Commission action as it relates to the Contingency line item and the decision to place all salary adjustments in that line item.

At the commencement of the new fiscal year Mr. Arciola asked me when he would get the proposed raise that had been contemplated in the budget. I advised him that as soon as the Village had completed our negotiations with both The Painters Allied Trade Union and the PBA, I would then address the salary raises that were placed in the Contingency line item. The union contracts were not approved by the Commission until June 2011.

**Point No. 2:** As the Commission is aware, Mr. Arciola was hired when the prior Finance Director, Holly Hugdahl, had terminated her contractual position with the Village. Since there was a gap of approximately four months without a Finance Director, and in order to provide assistance to Mr. Arciola, in June of 2010 I had reached out to Ms. Hugdahl to possibly provide that assistance (see exhibit B). Mr. Arciola rejected the assistance and states, *"While it is nice that Holly is willing to assist and is concerned, but what she left behind is a mess and I usually do not reach out to individuals that are not capable of doing what they were hired to do."*

Following the adoption of the 2010-11 Budget in September 2010, Mr. Arciola provided regular monthly financial reports, never reported any deficiencies or incomplete work, and never complained about the department. In March of 2011, Mr. Arciola met with our auditing firm and discussed the process for the commencement of the audit for fiscal year 2009-10. It has now come to light that after he left in May 2011, the majority of the tasks required to have been started for the audit had not been done. Additionally, there is evidence that Mr. Arciola was using his time at work for personal reasons. On March 31, 2011, the City Manager for Lake Worth communicated with me via e-mail regarding Mr. Arciola (see exhibit C) and stated, *"Ms. Garcia: Our City of Lake Worth Finance Director Steve Carr has advised me that his office is getting email demands by your*

*Finance Director Michael Arciola concerning financial records regarding the lay-off of his wife in the Public Service Department here in Lake Worth. These e-mails are of a personal nature and being sent on your City e-mail system, on city time and being copied to each of my City Commissioners." In an e-mail dated March 31, 2011, that Mr. Arciola sent to the Lake Worth Commission and City Manager, he wrote, "Please be advised that today is MARCH 31, 2011 THIRTY-ONE days after the close of February. I want a report that should be ready within a week after the close of a month. It is a report that can be printed out any day of the week. Something is very wrong here, it almost sounds like an Enron scenario... do I smell something cooking? As I stated in my original memo today, if I do not have the reports (corrected or not corrected) I requested by Wednesday I will be filing a complaint with the State of Florida."*

It is clear that Mr. Arciola's accusations, demands and threats to Lake Worth are consistent with his actions now with the Village in issuing this letter to the Commission. Moreover, it is clear that Mr. Arciola was improperly dealing with personal issues, rather than focusing on the priorities of the Village.

**Point No. 3:** In the first draft of the fiscal year 2011-10 budget, the salary proposed for the Finance Director was \$45,000 and the salary for the Village Clerk was \$44,000 (see exhibit D). After that first workshop, the consensus from the Village Commission was to have all raises and/or salary adjustments be put in the contingency line item. As explained in point no. 1, salary adjustments were included in the description for the Contingency line item in the 2010-11 Budget. Each subsequent draft of the 2010-11 Budget and the final adopted budget confirm that this direction was followed (see exhibits E and F). The statement made by Mr. Arciola in his letter that "over \$20,000 for raises for the Finance Director or Village Clerk were kept a secret" by me is completely untrue, as well as the figures that he is quoting in his unfounded accusations.

The "control of the budget process" was never given to the Village Clerk. Rather the Village Clerk took over the responsibility of creating the budget documents which included updating the multiple spreadsheets and creating the various budget drafts. This assistance to Mr. Arciola provided him the necessary time to allow him to focus on bringing the accounting up to date because of the so called "mess" he referred to in point no. 2. Mr. Arciola was the one who blamed others while I, as my team can attest to, refer to problems as challenges and together we have and will continue to work towards solutions.

**Point No. 4:** When a salary adjustment was discussed with Mr. Arciola, it was clearly communicated to him that the first priority was to finalize the negotiation and approval of the two union contracts. Without knowing what the impact of the union contract would be to the contingency line item, the salary adjustments could only be considered after. While each of these contracts was due for renewal in October 2010, the Painters & Allied Trade Union contract was finalized in April 2011 and the PBA contract was finalized in June 2011.

**Point No. 5:** On May 21, 2011, Mr. Arciola submitted a letter of resignation to our Village, abandoning his position of Finance Director in the most critical time of the year for our Village (the audit for fiscal year 2009-10 had not yet been completed, and the 2011-2012 budget was in its early stages). The newly adopted budget for



fiscal year 2011-12 is a testament to my commitment to our personnel, with several well deserved salary adjustments and promotions, and with additional monies designated for employee training and development. This year with Commission support, all Village employees participate in a fully paid insurance program. Additionally, in the first quarter of my tenure as Manager, I went to Commission to insure our general employees receive an additional Federal holiday, President's Day. It is a proven fact that as Village Manager I have been an advocate for all Village departments and the individuals who serve our Village.

When Mr. Arciola resigned from the Village, we immediately posted the open position and began the procedure to fill the position. Ultimately, the candidate selected was hired as an independent contractor. It was a decision that worked for the candidate and for the Village as it decreased the Village's costs as it relates to benefits. The Village Commission approved that decision in September 2011.

As Mr. Arciola implies bad management and untruthfulness, it is important for the Commission to see what Mr. Arciola stated during his employment. The following are direct quotes from Mr. Arciola via e-mail messages during his employment (exhibits G, H and I):

- Sent Friday, July 16, 2010, from his personal email on his day off, and I quote, *"When I read this, I thought of you and how much you care about the people you manage in the Village"*. Mr. Arciola always expressed satisfaction and appreciation regarding the way I dealt with him and the entire Village team from a professional and personal perspective.
- Sent Thursday, September 2, 2011, Mr. Arciola sends a very touching story, "His eye is on the sparrow and I know he watches", with an uplifting message. Mr. Arciola states in his message to me, *"Maybe we should send this to the Commissioners so they realize how precious life is."*
- Sent Tuesday, January 10, 2011, Mr. Arciola asked me to assist him answering a survey on leadership for a class he was attending. In capital letters he responds *"GREAT ANSWERS"*.

I was always there for Mr. Arciola to listen and provide support, not just professionally, but many a time when he needed to discuss personal matters with me. This is evident by the facts I have provided. Clearly Mr. Arciola's change in tune is due to his desire to extract concessions from the Commission, as is made clear in the last paragraph of his letter.

**Point No. 6A:** Mr. Arciola claims that I did not follow the requisition process. Ironically, I created the requisition process and put it in place. As a result, any purchase, whether it is for an item already budgeted or not, must be approved by the department director, Finance Director and finally by the Village Manager. For the record, in the last two years I have ordered one desk and one chair for my office, an expenditure totaling under \$250. As such, the requisition went to me and then sent to Finance to issue the payment. That was the extent of my purchases.

**Point No. 6B:** Mr. Arciola was not a part of the negotiations relating to the police union contract which were led by the Village Attorney, John Hearn, Chief Glansberg and I. Nevertheless, Mr. Arciola believed that the Village should outsource to Miami Dade County for police services, a statement he made without any backup details or analysis. Mr. Arciola did provide the negotiation team with the cost analysis for the provisions of the PBA contract which included an annual bonus and a take home vehicle policy. Mr. Arciola, despite having the analysis, did not agree with the Chief and I on what was ultimately proposed and unanimously approved by the Commission. Simply because Mr. Arciola did not agree with the decision of the team or Commission, does not make the decision bad, devious, calculating or untruthful.

I couldn't be more proud of the re-structuring of the Police Department which includes the elimination of the Lieutenant and Sergeant positions and the creation of the three Commander positions. These Management decisions are saving the Village of Biscayne Park over \$150,000 in the Police budget for fiscal year 2011-12, while still maintaining the police services expected by our residents.

**Point No. 6C:** On this point, Mr. Arciola's entire allegation is unsubstantiated. In May 2010, the Village Commission unanimously approved the selection of United Health Care and Neighborhood Health Partnership as the insurance providers for the employee health benefits. At the May 24, 2010 Special Commission meeting, the Village Clerk provided a detailed power point presentation and explained that the monthly premiums for the employee only plan, employee/child plan and the employee/family plan would see a reduction. But the employee/spouse plan would see a 30% increase as there was only one employee choosing that plan. At that meeting where Mr. Arciola was in attendance, the Commission agreed that the Village would subsidize a portion of the increase to that one employee (see exhibit J). It was ten months later in March 2011 where Mr. Arciola first questioned the Clerk as to why this one employee was not paying the full cost of the monthly premium. Not only was Mr. Arciola present during the special Commission meeting, but the decision of the Commission was re-explained to Mr. Arciola. The total amount that the Village subsidized for this employee was \$49.43 per pay period.

**Point No. 6D:** My decision to make the Finance Clerk full time was a management decision where I basically replaced a full time position with another full time position. Initially when hired in February 2011, the position was offered as part time, but we quickly realized that we needed the full time support. All decisions made are with much thought, good judgment and certainly within my authority as Village Manager.

**Point No. 6E:** Mr. Arciola makes an accusation of "pay to play" in regards to donations made to the Village. As the Village Commission is aware, I issued a letter to the business community requesting donations for the Sixth Avenue Landscaping project. I also reached out to residents and members of the former Civic Club, and always kept the Commission aware of these fund raising efforts. I personally contributed \$200 towards this worthy endeavor. There was no RFQ, RFP or bid pending. No threats were made to any vendors. No action was taken to be considered "pay to play". The Village adheres to Florida law, County laws, and the Village's procurement code and will continue to do so. I never directed

the Finance Clerk to ask vendors for contributions. These accusations are totally false as explained in a statement provided by Finance Clerk Wendy Hernandez (exhibit K).

Mr. Arciola also brings up the former Finance Clerk who resigned in April of 2010. That same individual sent me a beautiful Mother's Day message dated Sunday May 8, 2011, which was read by the Clerk and put on the record at the September 20, 2011 regular commission meeting. The message read, "*Happy Mother's Day. By nature you are a protecting mother to all your employees!*" I am humbled and flattered by her statements because caring and taking care of my employees is something I have always done in my career.

In closing, Mr. Arciola is attempting to extort ("*this can all go away...*") the Village Commission and demands that the Village not oppose his unemployment compensation appeal and to adjust his final payout to include the proposed salary increase of \$10,000. It is evident that as your Village Manager, I have had the best interest of our residents and staff, not merely in words but in deeds and actions. I will continue to lead our team with clear communications and expectations based on the commitment we have made to the Village of Biscayne Park.



*Village of Biscayne Park*

640 NE 114 STREET  
BISCAYNE PARK, FL 33161  
PHONE: 305-899-8000 - FAX: 305-891-7241

May 4, 2010

Michael Arciola  
3325 Perimeter Drive  
Greenacres, FL 33467

Dear Mr. Arciola

**Re: EMPLOYMENT OFFER**

The Village of Biscayne Park is pleased to offer you an employment position as Finance Director. We trust that your knowledge, skills and experience will be among our most valuable assets.

Should you accept this job offer, per company policy you'll be eligible to receive the following beginning on your hire date.

- **Salary:** Annual gross starting salary of \$40,000 paid in biweekly installments by your choice of check or direct deposit
- **Benefits:** Standard, Village of Biscayne Park benefits for salaried-exempt employees, including the following
  - Health, dental, life and disability insurance
  - Contribution to the Florida Retirement System
  - Sick leave
  - Vacation and personal days

To accept this job offer, sign and date this job offer letter where indicated below.

To decline this job offer, sign and date this job offer letter where indicated below.

If you accept this job offer, your start date will be Monday, May 17, 2010.

We at the Village of Biscayne Park hope that you'll accept this job offer and look forward to welcoming you aboard. Your immediate supervisor will be Ana Garcia. Feel free to call me if you have questions or concerns. Call the main number in the letterhead above during normal business hours and ask to speak me.

Sincerely yours,

Ana Garcia, Village Manager



*Village of Biscayne Park*

640 NE 114 STREET  
BISCAYNE PARK, FL 33161  
PHONE: 305-899-8000 - FAX: 305-891-7241

May 4, 2010

Page 2 of 2

**Accept Job Offer**

By signing and dating this letter below, I, Michael Arciola, accept this job offer of Finance Director for the Village of Biscayne Park.

Signature: Michael Arciola Date: 5-10-10

**Decline Job Offer**

By signing and dating this letter below, I, Michael Arciola, decline this job offer of Finance Director for the Village of Biscayne Park.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Ana M. Garcia

---

**From:** mikearciola@comcast.net  
**Sent:** Thursday, June 03, 2010 9:54 AM  
**To:** villagemanager@biscayneparkfl.gov  
**Subject:** Re: Accounting Department Update

Hi Anna, I just wanted to clarify my information with you. The eight bank account reconciliations (Oct to April) and transactions that I completed were for every fund except the General Fund, Pooled Cash and Payroll. I have the last bank rec for the pooled cash account for either Dec or Jan (I do not remember which month) but it is not reconciled it is out of balance by over \$ 12,000. Holly and yourself, do not need to be concerned about me and my experience with pooled cash accounting. I have used that method (pooled cash) my entire career in government. Biscayne Park does not use a true Pooled Cash concept. A true pooled cash concept uses only one bank account for operating cash. Biscayne Park has separate bank accounts for every fund and some funds have multiple bank accounts (police forfeiture fund has 3 bank accounts), that is not the way "pooled cash" is suppose to work.

I am working hard on bringing the accounting part up to date and getting the budget completed for the next fiscal year. While it is nice that Holly is willing to assist and is concerned, but what she left behind is a mess and I usually do not reach out to individuals that are not capable of doing what they were hired to do. I am very careful in my approach to completing what needs to be done. Before anything is booked it is carefully checked out. I do this because I and You, need to know that the information we are looking at is correct and can be relied upon. It might take me a little longer to get where we need to be because of my newness to the HTE system but now that I have worked through these two weeks and have learned the basics of the system, we will be able to move forward much faster than before and the information we generate will be accurate and correct.

Enough said, I must get back to work. See you on Monday.

Michael

----- Original Message -----

**From:** "Ana M. Garcia" <villagemanager@biscayneparkfl.gov>  
**To:** mikearciola@comcast.net, "Finance Director" <financedirector@miamishoresvillage.com>  
**Cc:** villageclerk@biscayneparkfl.gov  
**Sent:** Wednesday, June 2, 2010 10:48:54 PM GMT -05:00 US/Canada Eastern  
**Subject:** FW: FW: Accounting Department Update

Fyi.

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7/21/2011

From: KISMETPUP@aol.com [mailto:KISMETPUP@aol.com]  
Sent: Wednesday, June 02, 2010 10:31 PM  
To: villagemanager@biscayneparkfl.gov  
Subject: Re: FW: Accounting Department Update

Ana:

Please be careful. I know that all of the revenue transactions were entered through January. I can send you all of the bank recs through that date. I did not have an opportunity to finish the final January, but would be happy to forward it to you. We closed the December quarter with accurate up to date information. Please make sure that he understands that you have an 801 fund ( pooled cash) that reconciles the operating account and the payroll account. A statement that bank recs and revenue transactions have not been entered or reconciled since October is not accurate. It would make me very nervous, as I personally reviewed the 801 fund and verified that the revenues had been properly posted.

Holly

No virus found in this incoming message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 9.0.819 / Virus Database: 271.1.1/2914 - Release Date: 06/02/10 14:25:00

No virus found in this incoming message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 9.0.829 / Virus Database: 271.1.1/2915 - Release Date: 06/03/10 02:25:00



**Ana M. Garcia**

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**From:** Susan Stanton [sstanton@LakeWorth.org]  
**Sent:** Thursday, March 31, 2011 8:57 PM  
**To:** villagemanager@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov; Steven Carr  
**Subject:** FW: Public Records Request

Ms. Garcia:

Our City of Lake Worth Finance Director Steve Carr has advised me that his office is getting email demands by your Finance Director Michael Arciola concerning financial records regarding the lay-off of this wife in the Public Service Department her in Lake Worth. These e-mails are of a personal nature and being send on your City e-mail system, on city time, and being copied to each of my City Commissioners.

I realize that these decisions regarding lay-off are hard on everyone ..including family members. We are doing our best to comply with his demands for city records.

*Susan A. Stanton, FCM-A-CM*  
**City Manager**



7 N Dixie Highway  
Lake Worth, FL 33460  
561.586.1689  
[sstanton@lakeworth.org](mailto:sstanton@lakeworth.org)

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**From:** Steven Carr  
**Sent:** Thursday, March 31, 2011 4:50 PM  
**To:** Susan Stanton  
**Subject:** FW: Public Records Request

Susan

Please see below.

Thanks  
Steve

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**From:** Finance Director [mailto:financedirector@biscayneparkfl.gov]  
**Sent:** Thursday, March 31, 2011 4:37 PM  
**To:** Deborah Andrea  
**Cc:** Pamela Lopez; Rene' Varela; Scott Maxwell; Suzanne Mulvehill; Christopher McVoy; Jo-Ann Golden; Steven

7/25/2011



Carr; Susan Stanton

**Subject:** RE: Public Records Request

Please be advised that today is MARCH 31, 2011, THIRTY-ONE days after the close of February. I want a report that should be ready within a week after the close of a month. It is a report that can be printed out any day of the week. Something is very wrong here, it almost sounds like an Enron scenario... do I smell something cooking? As I stated in my original memo of today, if I do not have the reports (corrected or not corrected) I requested by Wednesday I will be filing a complaint with the State of Florida.

Michael Arciola

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**From:** Deborah Andrea [mailto:dandrea@LakeWorth.org]

**Sent:** Thursday, March 31, 2011 4:02 PM

**To:** financedirector@biscayneparkfl.gov

**Cc:** Pamela Lopez; Rene' Varela; Scott Maxwell; Suzanne Mulvehill; Christopher McVoy; Jo-Ann Golden; Steven Carr; Susan Stanton

**Subject:** FW: Public Records Request

Mr. Arciola, attached is the response from our Finance Director. As soon as the document is available, I will forward it to you.

*Debbie Andrea*, FCRM  
City of Lake Worth  
7 North Dixie Highway  
Lake Worth, FL 33460  
(561) 586-1660

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**From:** Steven Carr

**Sent:** Thursday, March 31, 2011 3:51 PM

**To:** Deborah Andrea

**Cc:** Susan Stanton

**Subject:** RE: Public Records Request

Hi Debby

As I stated in my March 9<sup>th</sup> response the February 2011 Budget to Actual reports are not ready for release. As of March 9<sup>th</sup> we had not closed the February books. After closing the month we found a calculation error in the report format and are correcting it before releasing the reports. This is the reason that the reports have not been distributed to our Commissioners or the public. As soon as the corrections are incorporated and the reports are re-run we will be distributing them to Mr. Arciola as well as the Lake Worth City Commission and citizens. This should be within the next few days.

Thanks  
Steve

Steven Carr, CPA  
Finance Director  
City of Lake Worth  
7 North Dixie Highway  
Lake Worth, FL 33460

7/25/2011

561.586.1641

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**From:** Deborah Andrea  
**Sent:** Thursday, March 31, 2011 2:56 PM  
**To:** Steven Carr  
**Subject:** FW: Public Records Request

Hi Steve, once again this man is asking for the financials from February. Thanks.

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**From:** Pamela Lopez  
**Sent:** Thursday, March 31, 2011 2:52 PM  
**To:** Deborah Andrea  
**Subject:** Fwd: Public Records Request

I know you've staying on top of this request can you give me an update before you leave today  
Sent from my iPad

Begin forwarded message:

**From:** "Finance Director" <[financedirector@biscayneparkfl.gov](mailto:financedirector@biscayneparkfl.gov)>  
**Date:** March 31, 2011 1:12:28 PM EDT  
**To:** "Pamela Lopez" <[PLopez@LakeWorth.org](mailto:PLopez@LakeWorth.org)>  
**Cc:** <[rvarela@lakeworth.org](mailto:rvarela@lakeworth.org)>, <[smaxwell@lakeworth.org](mailto:smaxwell@lakeworth.org)>, <[smulvehill@lakeworth.org](mailto:smulvehill@lakeworth.org)>, <[cmcvoy@lakeworth.org](mailto:cmcvoy@lakeworth.org)>, <[jgolden@lakeworth.org](mailto:jgolden@lakeworth.org)>, <[scarr@lakeworth.org](mailto:scarr@lakeworth.org)>, <[citymanager@lakeworth.org](mailto:citymanager@lakeworth.org)>  
**Subject:** Public Records Request

I sent you second email concerning my public records request for some financial information and have not received a response from you. If I do not receive the information by the close of business on Wednesday, April 6, I will be filing a formal complaint with the appropriate officials in Tallahassee. The complaint will name you, the City Manager and the Finance Director as individuals violating Florida Public Records Law.

According to Chapter 119.07(1)(c) "A custodian of public records and his or her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith". We are now going on three weeks for my request, a request for two reports that should take no more than five minutes to print out from the city's accounting system. I do not believe you are meeting the criteria described in Chapter 119.07(1)(c).

Florida Statutes, Chapter 119.10 provides that if you violate any provision of this chapter you commit a noncriminal infraction, punishable by fine not exceeding \$ 500. If you knowingly violate the provisions of this chapter you commit a misdemeanor of the first degree punishable as provided in s.775.082 or s.775.083 and are subject to suspension, removal from office or impeachment.

Please govern yourself accordingly.

Michael Arciola  
640 NE 114th Street  
Biscayne Park, FL 33161  
Ph. 305.899.8000 ext. 229  
Fax. 305.891.7241  
[financedirector@biscayneparkfl.gov](mailto:financedirector@biscayneparkfl.gov)

7/25/2011



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**From:** Susan Stanton [mailto:ssanton@LakeWorth.org]  
**Sent:** Monday, May 02, 2011 12:20 PM  
**To:** villagemanager@biscayneparkfl.gov  
**Subject:** RE: Public Records Request

Ms. Garcia ..... Your staff member has already communicate his position and title using your e-mail system to the City of Lake Worth. He has now involved you in our decision making process ...which is why you and I are now exchanging e-mails on this topic.

I assume if and when he addresses the City Commission on this topic he will disclose the nature of his relationship and his unsuccessful efforts to obtain employment here in Lake Worth.

I appreciate your encouragement in resolving the issues I face. I have, on the other hand, never had this kind of discussion with another city manager over such a staff communication with my elected officials.

*Susan A. Stanton, ICM-A-CM*  
**City Manager**



7 N Dixie Highway  
Lake Worth, FL 33460  
561.586.1689  
ssanton@lakeworth.org

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**From:** Ana M. Garcia [mailto:villagemanager@biscayneparkfl.gov]  
**Sent:** Monday, May 02, 2011 11:26 AM  
**To:** Susan Stanton  
**Subject:** RE: Public Records Request

Ms. Stanton,

I would like to make it clear that I don't encourage Mr. Arciola to do or not do anything that is not related to his job with the Village of Biscayne Park. I cannot restrict an individual who on his time off inquires about what is a very important issue to him, for that is his right. I met with Mr. Arciola in regards to your concerns, as I concur with you that it is unacceptable for anyone to use their position for any type of personal gain and or advantage. Mr. Arciola assured me that this was not the case. Mr. Arciola has been a professional in the Municipal Finance Field for a very long time, his one year with the Village is just part of the many years of experience that he has, and therefore Mr. Arciola does not even have to speak about his position here, nor does he have to hide it.

I wish you the best of luck resolving the issues you face, I can understand the challenges we are all facing, I can assure you that while Mr. Arciola is here at the Village of Biscayne Park, his only focus will be his responsibilities here. I also made it clear to him, that any inquiries and or meetings that he has to schedule and or attend, that he attends as Mr. Arciola, the private citizen, to make sure that there is no misunderstandings, thank you.

7/25/2011

1st Workshop 7/27/10

## EXECUTIVE ADMINISTRATION

| OBJ:                        | ACCOUNT NAME                      | FISCAL YEAR 2009-10  |                      |                              |                               |            | FY 2010-11                     |               | Explanation                                |
|-----------------------------|-----------------------------------|----------------------|----------------------|------------------------------|-------------------------------|------------|--------------------------------|---------------|--|
|                             |                                   | FY 2007-08<br>ACTUAL | FY 2008-09<br>ACTUAL | 2009-10<br>ADOPTED<br>BUDGET | PROJECTED<br>as of<br>9/30/10 | Diff       | VILLAGE<br>MANAGER<br>PROPOSED |               |  |
| 512                         |                                   |                      |                      |                              |                               |            |                                |               |  |
| 12.01                       | Regular Salaries                  | 136,393              | 165,111              | 132,010                      | 107,753                       | 24,257     | 132,000                        | 88,000 44,000 | Village Manager, Village Clerk             |
| 13.01                       | Other Salaries & Wages            | 0                    | 0                    | 0                            | 638                           | (638)      | 0                              |               |  |
| 21.01                       | FICA Taxes & Medicare             | 8,556                | 10,237               | 8,185                        | 7,070                         | 1,115      | 10,098                         |               | Calculated @ .0765.                        |
| 21.02                       | Medicare                          | 2,001                | 2,394                | 1,914                        | 1,654                         | 280        | 0                              |               |  |
| 22.01                       | Retirement                        | 24,685               | 18,807               | 15,834                       | 14,032                        | 1,802      | 14,520                         |               | Calculated @ 11%                           |
| 23.01                       | Life, Health & Dental Ins.        | 6,068                | 6,173                | 5,052                        | 5,155                         | (103)      | 4,485                          |               |  |
| 24.01                       | Workers' Compensation             | 1,116                | 782                  | 634                          | 634                           | 0          | 370                            |               |  |
| 25.01                       | Unemployment Compensation         | 0                    | 0                    | 0                            | 0                             | 0          | 0                              |               |  |
| TOTAL PERSONNEL:            |                                   | 178,819              | 203,504              | 163,629                      | 136,936                       | 26,693     | 181,473                        |               |  |
| 40.01                       | Travel Conference & Meetings      | 2,957                | 1,898                | 2,000                        | 1,600                         | 400        | 2,500                          |               | ICMA, FACC, Florida City Managers          |
| 34.01                       | Contract Services                 | 0                    | 0                    | 0                            | 14,159                        | (14,159)   | 0                              |               |  |
| 40.02                       | Travel Auto Allowance             | 4,800                | 4,800                | 4,800                        | 4,800                         | 0          | 6,000                          |               | Village Manager                            |
| 41.01                       | Telephone                         | 0                    | 0                    | 0                            | 2,285                         | (2,285)    | 2,400                          |               | Village Manager cell phone                 |
| 45.02                       | Liability Insurance               | 0                    | 3,619                | 2,930                        | 2,930                         | 0          | 2,930                          |               |  |
| 46.02                       | R&M Equipment                     | 629                  | 876                  | 500                          | 0                             | 500        | 0                              |               |  |
| 47.01                       | Printing & Binding                | 0                    | 0                    | 200                          | 240                           | (40)       | 200                            |               |  |
| 49.02                       | Legal Advertising                 | 10,456               | 6,391                | 10,500                       | 13,000                        | (2,500)    | 10,000                         |               |  |
| 49.04                       | Ordinance Codification            | 0                    | 0                    | 2,000                        | 0                             | 2,000      | 2,000                          |               |  |
| 49.06                       | Election                          | 15,093               | 218                  | 15,100                       | 12,479                        | 2,621      | 0                              |               |  |
| 51.01                       | Office Supplies General           | 1,200                | 591                  | 900                          | 1,200                         | (300)      | 500                            |               |  |
| 52.12                       | Special Dept Supplies             | 537                  | 0                    | 500                          | 90                            | 410        | 500                            |               |  |
| 54.01                       | Dues, Subscriptions & Memberships | 1,487                | 1,932                | 1,800                        | 1,535                         | 265        | 1,000                          |               | ICMA, CCMA, FRPA, FACC, IIMC, MDCMC; MDCLC |
| 54.02                       | Education & Training              | 241                  | 0                    | 200                          | 151                           | 49         | 1,500                          |               |  |
| 64.02                       | Machinery & Equipment             | 0                    | 0                    | 0                            | 568                           | (568)      | 0                              |               |  |
| 69.01                       | Contingency                       | 0                    | 0                    | 0                            | 0                             | 0          | 0                              |               |  |
| TOTAL OPERATIONS:           |                                   | \$37,400             | \$20,325             | \$41,430                     | \$55,037                      | (\$13,607) | \$29,530                       |               |  |
| TOTAL EXECUTIVE ADMIN DEPT: |                                   | \$ 216,219           | \$ 223,829           | \$ 205,059                   | \$ 191,973                    | 13,086     | \$ 191,003                     |               |  |

| Change                |                        |
|-----------------------|------------------------|
| FY 2009-10<br>Adopted | FY 2010-11<br>Proposed |
| \$205,059             | \$ 191,003             |
| Pctg of Savings       | 7%                     |
|                       | \$14,056               |

## FINANCE DEPARTMENT

|                                       |                                 | FISCAL YEAR 2009-10  |                      |                   |                          | FY 2010-11      |                                | EXPLANATION               |
|---------------------------------------|---------------------------------|----------------------|----------------------|-------------------|--------------------------|-----------------|--------------------------------|---------------------------|
| OBJ                                   | ACCOUNT NAME                    | FY 2007-08<br>ACTUAL | FY 2008-09<br>ACTUAL | ADOPTED<br>BUDGET | PROJ<br>as of<br>9-30-10 | DIFF            | VILLAGE<br>MANAGER<br>PROPOSED |                           |
| 513                                   |                                 |                      |                      |                   |                          |                 |                                | 45,000 29,120             |
| 12.01                                 | Regular Salaries                | 10,932               | -                    | -                 | 46,114                   | (46,114)        | 74,120                         | Finance Director & Clerk  |
| 14.01                                 | Overtime                        | 239                  | -                    | -                 | -                        | 0               | -                              |                           |
| 21.01                                 | FICA Taxes                      | 708                  | -                    | -                 | 3,528                    | (3,528)         | 5,670                          | 7.65% of Salaries         |
| 21.02                                 | Medicare                        | 166                  | -                    | -                 | -                        | 0               | -                              | Included in FICA Taxes    |
| 22.01                                 | Retirement                      | 1,068                | -                    | -                 | 4,611                    | (4,611)         | 8,153                          | 11% of Salaries           |
| 23.01                                 | Life, Health & Dental Insurance | 2,948                | -                    | -                 | 1,600                    | (1,600)         | 8,760                          |                           |
| 24.01                                 | Workers Compensation            | -                    | -                    | -                 | 100                      | (100)           | 207                            | \$.28 per \$100 of Salary |
| 25.01                                 | Unemployment Comp               | -                    | -                    | -                 | -                        | -               | -                              |                           |
| <b>TOTAL PERSONAL SERVICES:</b>       |                                 | <b>16,061</b>        | <b>-</b>             | <b>-</b>          | <b>55,953</b>            | <b>(55,953)</b> | <b>96,910</b>                  |                           |
| 32.01                                 | Accounting & Audit Services     | 25,500               | 32,170               | 25,500            | 18,000                   | 7,500           | 20,000                         | Annual Audit              |
| 34.01                                 | Contractual Services            | 81,268               | 103,714              | 85,800            | 50,355                   | 35,445          | 4,900                          | Accounting Software       |
| 34.02                                 | Contract Services-HTE           | 17,398               | 17,932               | 18,200            | 18,552                   | (352)           | 1,600                          | Software 1 month          |
| 40.01                                 | Travel, Conferences & Meetings  | 154                  | 203                  | 150               | 300                      | (150)           | 1,500                          | GFOA Conference/Staff Dev |
| 46.02                                 | R & M Equipment                 | -                    | 209                  | -                 | -                        | 0               | 200                            |                           |
| 51.01                                 | Office Supplies                 | 347                  | 274                  | 350               | 350                      | 0               | 600                            |                           |
| 54.01                                 | Dues, Sub & Memberships         | 610                  | 25                   | 105               | 500                      | (395)           | 420                            | Finance Director & Clerk  |
| <b>TOTAL OPERATIONS:</b>              |                                 | <b>125,277</b>       | <b>154,627</b>       | <b>130,105</b>    | <b>88,057</b>            | <b>42,048</b>   | <b>29,220</b>                  |                           |
| 64.02                                 | Machinery & Equipment           | -                    | -                    | -                 | -                        | -               | -                              |                           |
| <b>TOTAL CAPITAL OUTLAY</b>           |                                 | <b>-</b>             | <b>-</b>             | <b>-</b>          | <b>-</b>                 | <b>-</b>        | <b>-</b>                       |                           |
| <b>TOTAL COSTS FINANCE DEPARTMENT</b> |                                 | <b>\$ 141,338</b>    | <b>\$ 154,527</b>    | <b>\$ 130,105</b> | <b>\$ 144,010</b>        | <b>(13,905)</b> | <b>\$ 126,130</b>              |                           |

| Change                |                        |
|-----------------------|------------------------|
| FY 2009-10<br>Adopted | FY 2010-11<br>Proposed |
| \$ 130,105            | \$ 126,130             |
| Pctg of Savings       | 3%                     |
|                       | \$ 3,975               |



Exhibit E pg 6 of 2  
 2nd Workshop 8/17/10  
 and Public Hearings in  
 Sept 2010

# EXECUTIVE ADMINISTRATION

| OBJ:                        | ACCOUNT NAME                 | FY                | FY                | 2009-10           | Y.T.D.     | FISCAL YEAR 2009-10           |            | FY                  | VILLAGE<br>MANAGER<br>PROPOSED | Explanation                                |
|-----------------------------|------------------------------|-------------------|-------------------|-------------------|------------|-------------------------------|------------|---------------------|--------------------------------|--|
|                             |                              | 2007-08<br>ACTUAL | 2008-09<br>ACTUAL | ADOPTED<br>BUDGET |            | PROJECTED<br>as of<br>9/30/10 | Diff       | 2010-11<br>PROPOSED |                                |  |
| 512                         |                              |                   |                   |                   |            |                               |            |                     |                                |  |
| 12.01                       | Regular Salaries             | 136,393           | 165,111           | 132,010           | 79,371     | 107,753                       | 24,257     | 123,000             | 83,000 40,000                  | Village Manager, Village Clerk             |
| 13.01                       | Other Salaries & Wages       | 0                 | 0                 | 0                 | 638        | 638                           | (638)      | 0                   |                                |  |
| 21.01                       | FICA Taxes & Medicare        | 8,556             | 10,237            | 8,185             | 5,209      | 7,070                         | 1,115      | 9,410               |                                | Calculated @ .0765.                        |
| 21.02                       | Medicare                     | 2,001             | 2,394             | 1,914             | 1,218      | 1,654                         | 260        | 0                   |                                |  |
| 22.01                       | Retirement                   | 24,685            | 18,807            | 15,834            | 10,337     | 14,032                        | 1,802      | 13,530              |                                | Calculated @ 11%                           |
| 23.01                       | Life, Health & Dental Ins.   | 6,068             | 6,173             | 5,052             | 620        | 5,155                         | (103)      | 4,485               |                                | Manager only                               |
| 24.01                       | Workers' Compensation        | 1,116             | 782               | 634               | 319        | 634                           | 0          | 344                 |                                | Calculated @ \$0.28 per \$100              |
| 25.01                       | Unemployment Compensation    |                   |                   |                   |            |                               |            |                     |                                |  |
| 26.01                       | Liability Insurance          | 0                 | 0                 | 0                 | 35         | 0                             | 0          | 0                   |                                |  |
| TOTAL PERSONNEL:            |                              | 178,819           | 203,504           | 163,629           | 97,747     | 136,936                       | 26,693     | 150,769             |                                |  |
| 40.01                       | Travel Conference & Meetings | 2,957             | 1,898             | 2,000             | 1,030      | 1,600                         | 400        | 2,500               |                                | ICMA, FACC, Florida City Managers          |
| 34.01                       | Contract Services            | 0                 | 0                 | 0                 | 14,159     | 14,159                        | (14,159)   | 0                   |                                |  |
| 40.02                       | Travel Auto Allowance        | 4,800             | 4,800             | 4,800             | 4,000      | 4,800                         | 0          | 4,800               |                                | Village Manager                            |
| 41.01                       | Telephone                    | 0                 | 0                 | 0                 | 1,685      | 2,285                         | (2,285)    | 2,400               |                                | Village Manager cell phone                 |
| 45.02                       | Liability Insurance          | 0                 | 3,619             | 2,930             | 3,057      | 2,930                         | 0          | 2,930               |                                |  |
| 46.02                       | R&M Equipment                | 629               | 876               | 500               | 0          | 0                             | 500        | 0                   |                                |  |
| 47.01                       | Printing & Binding           | 0                 | 0                 | 200               | 240        | 240                           | (40)       | 200                 |                                |  |
| 49.02                       | Legal Advertising            | 10,456            | 6,391             | 10,500            | 10,744     | 13,000                        | (2,500)    | 10,000              |                                |  |
| 49.04                       | Ordinance Codification       | 0                 | 0                 | 2,000             | 0          | 0                             | 2,000      | 2,000               |                                |  |
| 49.06                       | Election                     | 15,093            | 218               | 15,100            | 7,927      | 12,479                        | 2,621      | 0                   |                                |  |
| 51.01                       | Office Supplies General      | 1,200             | 591               | 900               | 805        | 1,200                         | (300)      | 500                 |                                |  |
| 52.12                       | Special Dept Supplies        | 537               | 0                 | 500               | 90         | 90                            | 410        | 500                 |                                |  |
| 54.01                       | Dues, Subs & Memberships     | 1,487             | 1,932             | 1,800             | 1,535      | 1,535                         | 265        | 1,000               |                                | ICMA, CCMA, FRPA, FACC, IIMC, MDCMC, MDCLC |
| 54.02                       | Education & Training         | 241               | 0                 | 200               | 101        | 151                           | 49         | 1,500               |                                |  |
| 64.02                       | Machinery & Equipment        | 0                 | 0                 | 0                 | 568        | 568                           | (568)      | 0                   |                                |  |
| 59.01                       | Contingency                  | 0                 | 0                 | 0                 | 0          | 0                             | 0          | 0                   |                                |  |
| TOTAL OPERATIONS:           |                              | \$37,400          | \$20,325          | \$41,430          | \$45,941   | \$55,037                      | (\$13,607) | \$28,330            |                                |  |
| TOTAL EXECUTIVE ADMIN DEPT: |                              | \$ 216,219        | \$ 223,829        | \$ 205,059        | \$ 143,688 | \$ 191,973                    | 13,086     | \$ 179,099          |                                |  |

Proposed FY 2010-11 Budget

| Change                |                        |
|-----------------------|------------------------|
| FY 2009-10<br>Adopted | FY 2010-11<br>Proposed |
| \$205,059             | \$ 179,099             |
| Pctg of Savings       | 14%                    |
|                       | \$26,960               |

Exhibit E pg 2 of 2  
2nd Workshop 8/17/10  
and Public Hearings in  
Sept 2010

## FINANCE DEPARTMENT

| OBJ                              | ACCOUNT NAME                    | FISCAL YEAR 2009-10  |                      |                   |                     |                          | FY 2010-11      |   |
|----------------------------------|---------------------------------|----------------------|----------------------|-------------------|---------------------|--------------------------|-----------------|---|
|                                  |                                 | FY 2007-08<br>ACTUAL | FY 2008-09<br>ACTUAL | ADOPTED<br>BUDGET | ACTUAL<br>6/30/2010 | PROJ<br>as of<br>9-30-10 | DIFF            | VILLAGE<br>MANAGER<br>PROPOSED            |
| 513                              |                                 |                      |                      |                   |                     |                          |                 | EXPLANATION                               |
| 12.01                            | Regular Salaries                | 10,932               | 63                   | -                 | 19,754              | 46,114                   | (46,114)        | 40,000 29,120<br>Finance Director & Clerk |
| 14.01                            | Overtime                        | 239                  |                      | -                 |                     | -                        | 0               |   |
| 21.01                            | FICA Taxes                      | 708                  |                      | -                 | 1,224               | 3,528                    | (3,528)         | 5,288 7.65% of Salaries                   |
| 21.02                            | Medicare                        | 166                  |                      | -                 |                     | -                        | 0               | - Included in FICA Taxes                  |
| 22.01                            | Retirement                      | 1,068                |                      | -                 | 1,317               | 4,611                    | (4,611)         | 7,603 11% of Salaries                     |
| 23.01                            | Life, Health & Dental Insurance | 2,948                |                      | -                 |                     | 1,600                    | (1,600)         | 8,760                                     |
| 24.01                            | Workers Compensation            |                      |                      | -                 |                     | 100                      | (100)           | 193 \$.28 per \$100 of Salary             |
| 25.01                            | Unemployment Comp               |                      |                      | -                 |                     |                          |                 |   |
| <b>TOTAL PERSONNEL SERVICES:</b> |                                 | <b>16,061</b>        | <b>63</b>            | <b>-</b>          | <b>22,295</b>       | <b>55,953</b>            | <b>(55,953)</b> | <b>90,964</b>                             |
| 32.01                            | Accounting & Audit Services     | 25,500               | 32,170               | 25,500            | 18,000              | 18,000                   | 7,500           | 20,000 Annual Audit                       |
| 34.01                            | Contractual Services            | 81,268               | 103,714              | 85,800            | 50,356              | 50,355                   | 35,445          | 4,900 Accounting Software                 |
| 34.02                            | Contract Services-HTE           | 17,398               | 17,932               | 18,200            | 14,970              | 18,552                   | (352)           | 1,600 Software 1 month                    |
| 40.01                            | Travel, Conferences & Meetings  | 154                  | 203                  | 150               |                     | 300                      | (150)           | 1,000 GFOA Conference/Staff Dev           |
| 46.02                            | R & M Equipment                 | -                    | 209                  | -                 |                     | -                        | 0               | 200                                       |
| 51.01                            | Office Supplies                 | 347                  | 274                  | 350               | 272                 | 350                      | 0               | 600                                       |
| 54.01                            | Dues, Sub & Memberships         | 610                  | 25                   | 105               | 420                 | 500                      | (395)           | 420 Finance Director & Clerk              |
| <b>TOTAL OPERATIONS:</b>         |                                 | <b>125,277</b>       | <b>154,527</b>       | <b>130,105</b>    | <b>84,018</b>       | <b>88,067</b>            | <b>42,048</b>   | <b>28,720</b>                             |
| 64.02                            | Machinery & Equipment           | -                    | -                    | -                 | -                   | -                        | -               | -   |
| <b>TOTAL CAPITAL OUTLAY</b>      |                                 | <b>-</b>             | <b>-</b>             | <b>-</b>          | <b>-</b>            | <b>-</b>                 | <b>-</b>        | <b>-</b>                                  |

| TOTAL COSTS FINANCE DEPARTMENT | Change                |                        |  |  |  |  |  |
|--------------------------------|-----------------------|------------------------|--|--|--|--|--|
|                                | FY 2009-10<br>Adopted | FY 2010-11<br>Proposed |  |  |  |  |  |
|                                | \$ 130,105            | \$ 119,684             |  |  |  |  |  |
|                                |                       | 9%                     |  |  |  |  |  |
|                                |                       | \$ 10,421              |  |  |  |  |  |

**Proposed FY 2010-11 Budget**

# ADMINISTRATION

Exhibit F pg 1 of 2  
Final Adopted Budget  
FY 2010-11

DEPT: 512 - Administration  
Function: 512 - Executive

2010-2011  
ADOPTED  
BUDGET

| ACCT # | ACCOUNT DESCRIPTION               |            |              |
|--------|-----------------------------------|------------|--------------|
|        | Salaries:                         |            |              |
| 110-00 | Executive Salaries                | \$ 83,000  | Mgr<br>Clerk |
| 120-00 | Regular Salaries & Wages          | 40,000     |              |
|        | Total Salaries                    | 123,000    |              |
|        | Benefits:                         |            |              |
| 210-00 | FICA Taxes & Medicare             | 9,410      |              |
| 220-00 | Retirement                        | 16,493     |              |
| 230-00 | Life & Health Benefits            | 4,485      |              |
| 240-00 | Workers Compensation              | 344        |              |
|        | Total Benefits                    | 30,732     |              |
|        | Total Salaries & Benefits         | 153,732    |              |
|        | Operating Expenses:               |            |              |
| 310-30 | Professional Services - Code      | 2,000      |              |
| 400-00 | Travel & Per Diem                 | 3,000      |              |
| 400-10 | Travel Allowance                  | 4,800      |              |
| 450-15 | Insurance - Liability             | 2,930      |              |
| 451-05 | Communications - Telephone        | 1,500      |              |
| 470-00 | Printing & Binding                | 200        |              |
| 490-05 | Advertising - Legal               | 10,000     |              |
| 510-00 | Office Supplies                   | 500        |              |
| 520-00 | Operating Supplies                | 500        |              |
| 540-00 | Memberships, Dues & Subscriptions | 1,000      |              |
| 550-00 | Education & Training              | 1,500      |              |
|        | Total Operating Expenses          | 27,930     |              |
|        | TOTAL ADMINISTRATION              | \$ 181,662 |              |



# FINANCE DEPARTMENT

Exhibit F Pg 2 of 2  
Final Adopted Budget  
FY 2010-11

DEPT: 513 - Finance  
Function: 513 - Finance Administration

2010-2011  
ADOPTED  
BUDGET

| ACCT # | ACCOUNT DESCRIPTION                        |                   |
|--------|--|-------------------|
|        | Salaries:                                  |                   |
| 120-00 | Regular Salaries & Wages                   | \$ 69,120         |
|        | Total Salaries                             | 69,120            |
|        | Benefits:                                  |                   |
| 210-00 | FICA Taxes & Medicare                      | 5,288             |
| 220-00 | Retirement                                 | 7,603             |
| 230-00 | Life & Health Benefits                     | 8,760             |
| 240-00 | Workers Compensation                       | 193               |
|        | Total Benefits                             | 21,844            |
|        | <b>Total Salaries &amp; Benefits</b>       | <b>90,964</b>     |
|        | Operating Expenses:                        |                   |
| 320-00 | Professional Services - Accounting & Audit | 18,000            |
| 340-05 | Contract Services - Accounting Software    | 4,100             |
| 340-10 | Contract Services - Payroll                | 2,400             |
| 400-00 | Travel & Per Diem                          | 1,000             |
| 510-00 | Office Supplies                            | 200               |
| 540-00 | Memberships, Dues & Subscriptions          | 420               |
|        | <b>Total Operating Expenses</b>            | <b>26,120</b>     |
|        | <b>TOTAL FINANCE</b>                       | <b>\$ 117,084</b> |

Finance  
Director +  
Clerk

Exhibit G

**Ana M. Garcia**

---

**From:** mikearciola@comcast.net  
**Sent:** Friday, July 16, 2010 5:56 PM  
**To:** Garcia, Ana  
**Subject:** Fwd: Red Marbles

When I read this, I thought of you and how much you care about the people you manage in the village.

----- Forwarded Message -----

From: "Blanca Arciola" <barciola@LakeWorth.org>  
To: mikearciola@comcast.net, "Marcus Wilson" <mwilson@LakeWorth.org>, "Joseph Kroll" <jkroll@LakeWorth.org>, "John Lamb" <JLamb@LakeWorth.org>  
Sent: Friday, July 16, 2010 11:48:01 AM  
Subject: FW: Red Marbles

This is precious! Please take the time to read it (even if you've read/received it before); I know it'll bless your heart if you'll let it.

Thank you. J

From: William Parker [mailto:parkewmng@hotmail.com]  
Sent: Thursday, July 15, 2010 1:59 PM  
To: Blanca Arciola; Martin Cybulski  
Subject: FW: Red Marbles

Have a Great Day!!!!  
LM

---

Date: Thu, 15 Jul 2010 04:56:27 -0700  
From: tony9fingers@bellsouth.net  
Subject: Fw: Red Marbles  
To: opearl257@gmail.com; gordijn@att.net; j\_spallone@hotmail.com;

7/21/2011

Exhibit H

**Ana M. Garcia**

**From:** Finance Director [financedirector@biscayneparkfl.gov]  
**Sent:** Thursday, September 02, 2010 11:27 AM  
**To:** 'Village Manager Ana Garcia'; villageclerk@biscayneparkfl.gov  
**Subject:** FW: His Eye is on the Sparrow and I know He Watches Me

Maybe we should send this to the Commissioners so they realize how precious life is. We should live our lives with love and kindness because we never know when our time will be over.

**From:** Blanca Arciola [mailto:barciola@LakeWorth.org]  
**Sent:** Thursday, September 02, 2010 11:15 AM  
**To:** Finance Director; Joseph Kroll; John Lamb; tyronem2@aol.com; Marcus Wilson; Edward Johnson; Stephen O'neal  
**Subject:** FW: His Eye is on the Sparrow and I know He Watches Me

**From:** Sue Jimmy [mailto:suejimmy2@yahoo.com]  
**Sent:** Thursday, September 02, 2010 11:01 AM  
**To:** Tammy Potter; marilyn watson; Joni Taurosa; Jennifer Harvard; Blanca Arciola; Alexandra Simmons  
**Subject:** Fw: His Eye is on the Sparrow and I know He Watches Me

 Sue Warner

----- Forwarded Message -----

**From:** Adelle Sullivan <delsul@bellsouth.net>  
**To:** Nancy Rainey <rainey@caps.fsu.edu>; sinikka puranen <sinikka.puranen@wachovia.com>; Mark Rainey <raineymark@att.net>; debra ray <debra.ray@wachovia.com>; diane killian <mk555833@yahoo.com>; Sherman Graham <sibsherm@nc.rr.com>; peg douglas <puzzledpeg@hotmail.com>; sue warner <suejimmy2@yahoo.com>; wanda rainey <Raineygirl27@aol.com>; kim woodring <Kimwoodringsi@aol.com>  
**Sent:** Wed, September 1, 2010 4:19:21 PM  
**Subject:** Fw: His Eye is on the Sparrow and I know He Watches Me

--- On Tue, 8/31/10, Roger Chapman <rlchapman323@yahoo.com> wrote:

From: Roger Chapman <rlchapman323@yahoo.com>  
 Subject: Fw: His Eye is on the Sparrow and I know He Watches Me  
 To: "Jeanette Harmon" <jeanetteharmon@yahoo.com>, "Jeff & Adele Sullivan" <delsul@bellsouth.net>  
 Date: Tuesday, August 31, 2010, 9:16 AM

----- Forwarded Message -----

**From:** Bobby Chapman <bobbychapman@northstate.net>

7/21/2011



Exhibit I

**Ana M. Garcia**

---

**From:** Finance Director [financedirector@biscayneparkfl.gov]**Sent:** Tuesday, January 11, 2011 4:16 PM**To:** villagemanager@biscayneparkfl.gov**Subject:** RE:**GREAT ANSWERS!**

---

**From:** Ana M. Garcia [mailto:villagemanager@biscayneparkfl.gov]**Sent:** Tuesday, January 11, 2011 4:14 PM**To:** 'Finance Director'**Cc:** villageclerk@biscayneparkfl.gov**Subject:** RE:

---

**From:** Finance Director [mailto:financedirector@biscayneparkfl.gov]**Sent:** Monday, January 10, 2011 3:34 PM**To:** villagemanager@biscayneparkfl.gov; villageclerk@biscayneparkfl.gov**Subject:**

Would you please help me by answering the following two questions in a few short sentences:

1. What is a leader? A leader has a vision and through short term and long term goals leads the team through clear communication, motivation and the expectancy of turning the Vision into a reality.
2. What makes a leader effective in a group? Confidence and a genuine Commitment to the team and the success of the team regardless of the challenges and obstacles, because failure is not an option!

This is for a survey I must prepare for my college class. Michael I have bcc the Mayor to get her thoughts on the question.

Michael Arciola  
640 NE 114th Street  
Biscayne Park, FL 33161  
Ph. 305.899.8000 ext. 229  
Fax. 305.891.7241  
financedirector@biscayneparkfl.gov

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.872 / Virus Database: 271.1.1/3370 - Release Date: 01/09/11 14:34:00

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.872 / Virus Database: 271.1.1/3370 - Release Date: 01/11/11 02:34:00

7/21/2011

# Comparison of Dependent Rates

## Monthly Premium amounts – Health Insurance:

Employee: \$398.00 to \$405.21  
Employee / Spouse: \$393.97 to \$510.57  
Employee / Children: \$354.57 to \$375.39  
Family: \$866.74 to \$773.34

## Monthly Premium amounts – Dental:

Employee: \$27.29 to \$24.63  
Employee / Children: \$30.64 to \$26.91  
Family: \$62.30 to \$54.04

## Monthly Premium amounts – Vision

Employee: \$7.38  
Children: \$8.49  
Family: \$15.50

## Monthly Premium amounts – Life (\$25,000) & AD&D:

Employee: \$8.75 to \$5.25

## Annual Savings

The 1.77% annual savings in proposal no. 1 is equal to \$2,208.

If we cannot secure a better rate for the employee/spouse monthly premium, we look towards using a portion of this savings to supplement the 30% increase in the monthly rate for dependent coverage for the one employee.

Jwendoline Hernandez  
11840 NE 19<sup>th</sup> Drive, Apt# 25  
North Miami, FL 33181  
(786) 797-3094

August 3, 2011

Dear Mrs. Camara,

I would like to clarify some of the comments made by our former Finance Director, Michael Arciola in a letter he sent to the Commission dated July 20<sup>th</sup>, 2011.

In the letter Mr. Arciola states that I was directed by the Manager to make calls to our vendors requesting "financial donations". I never made such calls nor was I directed to do so. Mr. Arciola is using terms such as "pay to play" atmosphere and "extortion" and including me to convey that message. There's no truth to his accusations.

I needed to respond to the letter submitted by Mr. Arciola as it also questions my work ethic.

Sincerely,



---



**village clerk**

---

**Subject:** FW: Agenda Item Request Form.doc

---

**From:** Bryan Cooper [mailto:bryancooper7@yahoo.com]  
**Sent:** Sunday, January 23, 2011 9:29 PM  
**To:** villageclerk@biscayneparkfl.gov; bcooper@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov; John Hearn; attyhearn@aol.com  
**Subject:** Re: Agenda Item Request Form.doc

#2

**Date:** (Please refer to the email sent when this was first placed on the agenda in Dec. of 2010).

**To:** Clerk; Manager, for inclusion on agenda

**From:** Bryan Cooper

**Re:** Future condensed short bullet list of agenda items to be sent on day 7, prior to Commission meeting, by Clerk to Commission.

**Background Analysis:** In the past year, there have been times that the agenda with backup was not presented to Commissioners for review until shortly before the date of the Commission meeting. It would be helpful if the Clerk, upon closing the deadline for submission of new agenda items from Commissioners, compiled a simple bullet list of clear, understandable titles of all new agenda items and forward them by email to Commissioners.

**Fiscal/Budgetary Impact:** None; a few minutes of the Clerks time to send a brief summary. This will foster a higher degree of transparency and hopefully collegiality, by allowing all Commissioners to see a week in advance the other items set to be brought forth by their colleagues.

**Recommendation:** Ask Manager to direct the Clerk to provide this list to the Commission following the deadline for submission of new agenda items.

---

**From:** village clerk <villageclerk@biscayneparkfl.gov>  
**To:** bcooper@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov  
**Sent:** Thu, January 20, 2011 6:34:56 PM  
**Subject:** Agenda Item Request Form.doc



**village clerk**

---

**From:** Bryan Cooper [bryancooper7@yahoo.com]  
**Sent:** Friday, January 28, 2011 9:24 PM  
**To:** villagemanager@biscayneparkfl.gov  
**Cc:** Village clerk; Archives  
**Subject:** Re: badges; agenda item for March meeting  
Ms. Garcia:

Per you question below....I do not have (and would never accept) a badge.

Please place the below on the agenda for the March meeting. I have no backup documentation; nor is there a cost analysis.

Date: January 28, 2011

To: Clerk; Manager

From: Bryan Cooper

**Re: Police-style badges given to Commissioners**

**Background Analysis: None.**

**Fiscal/Budgetary Impact: None.**

**Recommendation: None at this time; To be discussed before the full Commission.**

Bryan Cooper

---

**From:** Ana M. Garcia <villagemanager@biscayneparkfl.gov>  
**To:** Rox Ross <rox@roxross.com>; Steve Bernard <steve@stevebernardarchitect.com>; Commissioner Bob Anderson <banderson@biscayneparkfl.gov>; Al Childress <albertchildress@yahoo.com>; Bryan Cooper <bryancooper7@yahoo.com>  
**Cc:** Village clerk <villageclerk@biscayneparkfl.gov>; Archives <vobparchives@biscayneparkfl.gov>  
**Sent:** Fri, January 28, 2011 5:06:12 PM  
**Subject:** badges

Good afternoon all, Tom from the herald called me as he is doing a story on North Miami and badges for officials. How many of you have badges? This varies from City to City. If you have already answered this please disregard. Thank you.

Ana M. Garcia, CPRP  
Village Manager  
640 NE 114th Street  
Biscayne Park, FL 33161  
Ph. 305.899.8000 ext. 229  
Fax. 305.891.7241  
[agarcia@biscayneparkfl.gov](mailto:agarcia@biscayneparkfl.gov)

## PLANNING & ZONING

Meets the 1st and 3rd Monday at 6:30PM

|   | Member               | Appointed By | Comment          |
|---|----------------------|--------------|------------------|
| 1 | Gage Hartung         | Childress    |                  |
| 2 | Barbara Watts        | Cooper       |                  |
| 3 | Andrew Olis          | Bernard      |                  |
| 4 | Doug Tannehill       | Ross         |                  |
| 5 | Elizabeth Hornbuckle | Anderson     |                  |
| 6 | Mario Rumiano        |              | < Alternate >    |
| 7 | Carl Bickel          |              | < Alternate >    |
|   | <i>Fred Jonas</i>    | <i>Ross</i>  | <i>Resigned.</i> |

## Code Enforcement

Meets the 3rd Tuesday at 7:00PM

|   |                      |                 |                                       |
|---|----------------------|-----------------|---------------------------------------|
| 1 | Harvey Bilt          | Anderson        |                                       |
| 2 | Dale Blanton         | Bernard         |                                       |
| 3 | David Coviello       | Childress       |                                       |
| 4 | Carmen DiBernardi    | Ross            |                                       |
| 5 | Linda Dillon         | Cooper          |                                       |
| 6 | Milt Hunter          | Anderson        | < Alternate >                         |
|   | <i>Kelli Romano</i>  | <i>Anderson</i> | <i>Resigned. (previous alternate)</i> |
|   | <i>Dario Salazar</i> | <i>Cooper</i>   |                                       |
|   | <i>Victor Cannon</i> | <i>Cooper</i>   | <i>Resigned.</i>                      |
|   | <i>Ray Irizzary</i>  | <i>Ross</i>     | <i>Resigned.</i>                      |

## Code Review

As of Aug 2011: Meets the 1st and 3rd Wednesday of each month at 7:00PM

|   |                          |                           |   |
|---|--------------------------|---------------------------|---|
| 1 | Gage Hartung             | Auto from P&Z             |   |
| 2 | Andrew Olis              | Auto from P&Z             |   |
| 3 | Gary Kuhl                | Anderson                  |   |
| 4 | Dale Blanton             | Auto from Code Enf        |   |
| 5 | David Coviello           | Auto from Code Enf        |   |
| 6 | Judi Hamelburg           | Bernard                   |   |
| 7 | Isaias Ortiz             | Ross                      |   |
|   | <i>Kelli Romano</i>      | <i>Auto from Code Enf</i> | <i>Resigned</i>                           |
|   | <i>Carmen DiBernardi</i> | <i>Auto from Code Enf</i> | <i>Resigned, but remains on Code Enf.</i> |
|   | <i>Ray Irizzary</i>      | <i>Auto from Code Enf</i> | <i>Resigned</i>                           |
|   | <i>Fred Jonas</i>        | <i>Auto from P&amp;Z</i>  | <i>Resigned</i>                           |
|   | <i>Harvey Bilt</i>       | <i>Auto from Code Enf</i> | <i>Resigned, but remains on Code Enf.</i> |
|   | <i>Milt Hunter</i>       | <i>Auto from Code Enf</i> | <i>Resigned, but remains on Code Enf.</i> |
|   | <i>Victor Cannon</i>     | <i>Auto from Code Enf</i> | <i>Resigned</i>                           |

## Recreation Advisory Board

Meets the 2nd Wednesday at 6:30PM

|   |              |         |   |
|---|--------------|---------|---|
| 1 | James Murphy | Bernard |   |
| 2 | John Holland | Cooper  | <i>Notified of resignation on 8/18/2011</i> |

|   |                               |                  |                  |
|---|-------------------------------|------------------|------------------|
| 3 | Caitlin H. Spurr              | Ross             |                  |
| 4 | Grisette Marcos               | Anderson         |                  |
| 5 | Kelli Romano                  | Childress        |                  |
|   | <i>Rachel O'Conner</i>        | <i>Childress</i> | <i>Resigned</i>  |
|   | <i>Helga Silva</i>            | <i>Ross</i>      | <i>Resigned</i>  |
|   | <i>Ron Gwynn</i>              | <i>Anderson</i>  | <i>Resigned</i>  |
|   | <i>Vicki Mallette O'Brien</i> | <i>Childress</i> | <i>Resigned.</i> |

### Parks & Parkway Advisory Board

Meets the 3rd Wednesday at 6:00PM

|   |                             |                |                              |
|---|-----------------------------|----------------|------------------------------|
| 1 | Dan Keys                    | Anderson       |                              |
| 2 | Barbara Kuhl                | Childress      |                              |
| 3 | Randy Wagoner               | Ross           |                              |
| 4 | John Zoeller                | Bernard        |                              |
| 5 | Daniel Samaria              | Cooper         |                              |
| 6 | Lynn Fisher                 |                | < Alternate >                |
| 7 | Mary Ann Jones              |                | < Alternate >                |
|   | <i>David Tunnel</i>         | <i>Cooper</i>  | <i>Resigned.</i>             |
|   | <i>Anne Marie Jonckheer</i> | <i>Bernard</i> | <i>Resigned.</i>             |
|   | <i>Barbara Kiers</i>        | <i>Cooper</i>  | <i>Resigned.</i>             |
|   | <i>Jane Ansley</i>          |                | <i>Resigned. (Alternate)</i> |

### Ecology Board

Meets the 3rd Thursday at 6:30PM

|   |                      |                 |   |
|---|----------------------|-----------------|---|
| 1 | Karen Cohen          | Anderson        |   |
| 2 | Matt Davis           | Bernard         |   |
| 3 | Art Pyle             | Childress       |   |
| 4 | Tom Pliske           | Cooper          |   |
| 5 | Tracy Truppman       | Ross            |   |
| 6 | Linda Carrington     |                 | < Alternate >                                     |
|   | <i>Victor Romano</i> | <i>Anderson</i> |   |
|   | <i>Linda Domin</i>   |                 | <i>Will participate on special projects only.</i> |